



भारत का राजपत्र

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सं. 33] नई दिल्ली, अगस्त 10—अगस्त 16, 2008, शनिवार/श्रावण 19—श्रावण 25, 1930
No. 33] NEW DELHI, AUGUST 10—AUGUST 16, 2008, SATURDAY/SRAVANA 19—SRAVANA 25, 1930

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

केन्द्रीय उत्पाद तथा सीमा शुल्क के मुख्य आयुक्त का
कार्यालय

पुणे, 25 जून, 2008

संख्या 2/2008 सी. शु. (एन.टी.)

का.आ. 2225.—भारत सरकार, वित्त मंत्रालय, राजस्व विभाग
नई दिल्ली, द्वारा दिनांक 1-7-1994 को जारी अधिसूचना संख्या-33/94-
सीमा शुल्क (एन.टी.) द्वारा मुझे प्रदत्त अधिकारों का प्रयोग करते हुए
मैं, एततद्वारा महाराष्ट्र राज्य के पुणे जिले में तालुका मावला स्थित
तलेगांव-दाभाडे गाँव को सीमा शुल्क अधिनियम, 1962 (1962 का
52) की धारा 9 के अधीन वे अरहाऊसिंग स्टेशन घोषित कर रहा हूँ।

[फा.सं. VIII/48-40/केएसएच-आयसीडी/मु.आ.का./पुणे क्षेत्र/06]

रा.ज. बेले, मुख्य आयुक्त

MINISTRY OF FINANCE

(Department of Revenue)

OFFICE OF THE CHIEF COMMISSIONER OF
CENTRAL EXCISE AND CUSTOMS

Pune, the 25th June, 2008

No. 2/2008 Cus (NT)

S.O. 2225.—In exercise of the powers conferred on
me by Notification No. 33/94-Cus(NT), dated, 1-7-94 of the
Government of India, Ministry of Finance, Department of
Revenue, New Delhi, I hereby declare village 'Talegaon
Dabhade', Taluka-Mayal, Dist. Pune in the State of
Maharashtra to be a Warehousing Station, under Section
9, of the Customs Act, 1962 (52 of 1962).

[F. No. VIII/48-40/KSH-ICD/CCU/PZ/06]

R. BELEY, Chief Commissioner

केन्द्रीय उत्पाद शुल्क आयुक्त का कार्यालय
हल्दिया आयुक्तालय
कोलकाता, 30 जून, 2008
संख्या 03/2008-सीमाशुल्क (एन.टी.)

का.आ. 2226.—सीमा शुल्क अधिनियम, 1962 (1962 का 52) के साथ पठित एम. एफ. डी. आर. सर्कुलर सं. 31/2003-सीमा शुल्क दिनांक 7 अप्रैल, 2003 की धारा 152 के अधीन दिनांक 01 जुलाई, 1994 को जारी अधिसूचना सं. 33/1994-सीमा शुल्क (एन.टी.) द्वारा प्रत्यायोजित सीमा शुल्क अधिनियम 1962 की धारा-9 में प्रदत्त शक्तियों का प्रयोग करते हुए, विकास आयुक्त, फालटा विशेष आर्थिक क्षेत्र, वाणिज्य मंत्रालय के पत्र सं. 2(1)/एस-15/2007/699 मई 26, 2008 द्वारा अनुमोदित मैसर्स सर्वोपरी इमपेक्स प्रा. लि. के कारखाना स्थल-जालान कॉम्प्लेक्स, गेट सं. 1, राष्ट्रीय राजमार्ग सं. 6, बम्बे रोड, जंगलपुर, पो.-बिप्रनावपाड़ा, थाना डोमजुर, हावड़ा-711411, पश्चिम बंगाल को शात्रिति (100%) नियोतोभुख इकाई की स्थापना के उद्देश्य से सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा-9 के अधीन एतद्वारा वेयरहाऊसिंग स्टेशन घोषित किया जाता है।

[सी. सं-IV(16)2/के.उ.शु./तक/हल/06/906-935]

सी. एम. मेहरा, आयुक्त

OFFICE OF THE COMMISSIONER OF CENTRAL
EXCISE HALDIA COMMISSIONERATE

Kolkata, the 30th June, 2008

No. 03/2008-CUSTOMS (NT)

S.O. 2226.—In exercise of the powers conferred under Section 9 of the Customs Act, 1962 as delegated by Notification No. 33/1994-Customs(NT) dated 1st July, 1994 issued under Section 152 of the Customs Act, 1962 (52 of 1962) read with MFDR Circular No. 31/2003-Customs dated 7th April, 2003, the factory premises of M/s. Sarvopari Impex Pvt. Ltd., Jalan Complex, Gate No. 1, N.H. 6, Bombay Road, Junglepur, P.O. Biprranaopara, P.S. Domjur, Howrah-711411, West Bengal are, hereby, declared to be a Warehousing Station under Section 9 of the Customs Act, 1962 (52 of 1962) for the purpose of setting up of a 100% Export Oriented Unit, as approved by the Development Commissioner, Falta Special Economic Zone, Ministry of Commerce, Government of India vide their letter No. 2(1)/S-15/2007/699 May 26, 2008.

[C. No. IV(16)2/CE/Tech/Hal/06/906-935]

C. M. MEHRA, Commissioner

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 16 जुलाई, 2008

का.आ. 2227.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5 ग और 5 ड. के साथ पठित आयकर

अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 के उपधारा (1) के खंड (ii) के प्रयोजनार्थ दिनांक 1-4-2007 से संगठन बी ए आई एफ डबलपर्मेंट रिसर्च फाउंडेशन, पुणे को निम्नलिखित शर्तों के अधीन आर्थिक रूप से अनुसंधान कार्यकलापों में लगी 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, नामतः-

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा इसके नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान को जारी रखेगा।
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा जिसमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उपधारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से ऐसी खाता बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उपधारा (1) के अंतर्गत आय की विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवृत्त स्थापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा।
- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवृत्त स्थापित विवरण की प्रति प्रस्तुत करेगा।

2. केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि अनुमोदित संगठन :-

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अलग लेखा बही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त दान एवं प्रयुक्त राशि का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्यकलाप करना बंद कर देगा अथवा इसके अनुसंधान कार्यकलाप को जायज नहीं पाया जाएगा; अथवा
- (ङ) उक्त नियमावली के नियम 5 ग और 5 ड. के साथ पठित उक्त अधिनियम की धारा 35 की उपधारा (1) के खंड (ii) के उपबंधों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 78/2008/फा. सं. 203/60/2008-आ.क.नि.-II]

सुरेन्द्र पाल, अवर सचिव

(Central Board of Direct Taxes)

New Delhi, the 16th July, 2008

S.O. 2227.—It is hereby notified for general information that the organization BAIF Development Research Foundation, Pune has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), with effect from 1-4-2007 in the category of 'other Institution' partly engaged in research activities subject to the following conditions, namely:—

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act.
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :—

- (a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 78/2008/F. No. 203/60/2008/ITA-II]

SURENDER PAL, Under Secy.

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 7 अगस्त, 2008

का.आ. 2228.—भारतीय नियंता आयात बैंक (एक्जिप बैंक) अधिनियम 1981 (1981 का 28) की धारा 6 की उपधारा (1) के खंड (ड) के उपखंड (ज्ञ) के अनुसरण में, केन्द्रीय सरकार, एसटीएस, श्री एच.एस. पुरी, सचिव (ईआर), विदेश मंत्रालय, नई दिल्ली को श्री एन. रवि, सचिव (पूर्व), विदेश मंत्रालय, के स्थान पर भारतीय नियंता-आयात बैंक के निदेशक मंडल में निदेशक के रूप में नामित करती है।

[फा. सं. 24/27/2002-आई एफ-1]

रमन कुमार गौड़, अवर सचिव

(Department of Financial Services)

New Delhi, the 7th August, 2008

S.O. 2228.—In pursuance of sub-clause (i) (e) of sub-section (1) of Section 6 of the Export Import Bank of India Act, 1981 (28 of 1981), the Central Government hereby nominates Shri H.S. Puri, Secretary (ER) Ministry of External Affairs, New Delhi as Director on the Board of Directors of Export Import Bank of India vice Shri N. Ravi, Secretary (East), Ministry of External Affairs.

[F. No. 24/27/2002/IF-1]

RAMAN KUMAR GAUR, Under Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 30 जुलाई, 2008

का.आ. 2229.—इस मंत्रालय की दिनांक 31 मई, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, निम्नलिखित व्यक्तियों को केंद्रीय फिल्म प्रमाणन बोर्ड के हैदराबाद सलाहकार पैनल के सदस्यों के रूप में नियुक्त करती है :—

- (1) श्री दौलत राम, मकान नं. 1-8-17/13/1, चिक्कदपल्ली, हैदराबाद-500020
- (2) सुश्री वंदवासी लक्ष्मीकला, फ्लैट सं. 01-01, ब्लॉक सं. 29, मलेशिया टाउनशिप, के पी एच बी, फेज-IV, हैदराबाद-500072
- (3) श्री महमूद मोहिउद्दीन, फ्लैट सं. जी-1, भू-तल, श्री बालाजी रेजीडेंसी, म्यूनिसिपल कार्यालय के सामने वाली लेन, खैरताबाद, हैदराबाद-500004.

[फा. सं. 809/1/2007-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 30th July, 2008

S.O. 2229.—In continuation of this Ministry's Notification of even number dated 31st May, 2007 and in

exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinemaograph (Certification) Rules, 1983 the Central Government is pleased to appoint the following persons as members of the Hyderabad advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

- (1) Shri Doulat Ram, H.No. 1-8-17/13/1, Chikkadpally, Hyderabad-500020.
- (2) Ms. Vandavasi Lakshmikala, Flat No. 01-01, Block No. 29, Malaysia Township, KPHB, Phase, Phase-IV, Hyderabad-500072.
- (3) Shri Mahmood Mohiuddin, Flat No. G-1, Ground Floor, Sri Balaji Residency, Lane Opposite to Municipal Office, Khairatabad, Hyderabad-500004.

[F. No. 809/1/2007-F(C)]

SANGEETA SINGH, Director (Films)

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 31 जुलाई, 2008

का.आ. 2230.—केन्द्र सरकार भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय आयुर्विज्ञान परिषद से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में एतद्वारा निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची में—

(क) “मराठावाडा विश्वविद्यालय” के सामने शीर्षक “मान्यता-प्राप्त चिकित्सा अहंता” [इसके पश्चात् स्तंभ (2) के रूप में संदर्भित] के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके पश्चात् स्तंभ (3) के रूप में संदर्भित] के अन्तर्गत उससे संबंधित प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :—

“डॉक्टर आफ मेडिसिन एम.डी. (एसपीएम/समुदाय चिकित्सा)
(एसपीएम/समुदाय चिकित्सा)” एम.डी. (एसपीएम/समुदाय चिकित्सा)
(यह मान्यताप्राप्त चिकित्सा अहंता होगी यदि यह मराठावाडा विश्वविद्यालय द्वारा एस.आर.टी. आर. मेडिकल कालेज, अंबजगई में प्रशिक्षित किए जा रहे छात्रों के संबंध में जनवरी, 1982 में या उसके बाद प्रदान की गई हो)।

(क) “डा. बाबा साहब अंबेडकर मराठावाडा विश्वविद्यालय” के सामने “मान्यताप्राप्त चिकित्सा अहंता” इसके पश्चात् स्तंभ (2) के रूप में संदर्भित शीर्षक के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके पश्चात् स्तंभ (3) के रूप में संदर्भित] के अन्तर्गत उससे संबंधित प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :—

“डॉक्टर आफ मेडिसिन एम.डी. (एसपीएम/समुदाय चिकित्सा)
(एसपीएम/समुदाय चिकित्सा)” एम.डी. (एसपीएम/समुदाय चिकित्सा)
(यह मान्यताप्राप्त चिकित्सा अहंता होगी यदि यह डा. बाबा साहब अंबेडकर मराठावाडा विश्वविद्यालय द्वारा एस.आर.टी. आर. मेडिकल कालेज, अंबजगई में प्रशिक्षित किए जा रहे छात्रों के संबंध में जनवरी, 1982 में या उसके बाद प्रदान की गई हो)।

[संख्या यू. 12012/70/2007-एमई (पी ॥)]

के. वी. एस. राव, उप सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 31st July, 2008

S.O. 2230.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said Schedule—

(a)against “Marathwada University”, under the heading ‘Recongnized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:—

“Doctor of Medicine MD (SPM/Community Medicine)
(SPM/Community Medicine) (This shall be a recognized medical qualification when granted by Marathwada University in respect of students being trained at S. R. T. R. Medical College, Ambajogai on or after January, 1982).

(b)against “Dr. Babasaheb Ambedkar Marathwada University”, under the heading ‘Recongnized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

“Doctoer of Medicine MD (SPM/Community Medicine)
(SPM/Community Medicine) (This shall be a recognized medical qualification when granted by Dr. Babasaheb Ambedkar Marathwada University in respect of students being trained at S. R. T. R. Medical College, Ambajogai on or after January, 1982).

[No. U. 12012/70/2007-ME(P-II)]

K.V.S. RAO, Dy. Secy.

पर्यावरण एवं बन मंत्रालय

नई दिल्ली, 19 जून, 2008

का.आ. 2231.—सूचना का अधिकार अधिनियम, 2005 की धारा 5 (i)/धारा 19 (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पर्यावरण एवं बन मंत्रालय के निम्नलिखित अधिकारियों को उनके नाम के सामने दर्शाए गए विनिरिष्ट विषय-वस्तु के संदर्भ में केन्द्रीय जन सूचना अधिकारियों/अपीलीय प्राधिकारियों आदि के रूप में नामोदिष्ट किया जाता है:—

उपरोक्त अधिनियम की धारा 5 (i) के अंतर्गत केन्द्रीय जन सूचना अधिकारियों के रूप में नामोदिष्ट किए गए उप बन महानिरीक्षक/निदेशक/उप सचिव/सहायक बन महानिरीक्षक/अवर सचिव/उप निदेशक स्तर के अधिकारी ।

क्र. सं.	पदनाम	दूरभाष सं.	विषय वस्तु
(1)	(2)	(3)	(4)
1.	श्रीमती रेखा पर्ह उप बन महानिरीक्षक	दूरभाष सं. 24362875 rekhapai2003@yahoo.co.in इंटरकॉम सं. 515	बन सुरक्षा विभाग और संयुक्त बन प्रबंध (जे एफ एम) प्रकोष्ठ, जलवायु परिवर्तन पर संयुक्त राष्ट्र फ्रेमवर्क कन्वेशन (यू एन एफ सी सी सी) के अंतर्गत एल यू एल यू सी एफ, गैरइमार्टी लकड़ी बन उत्पाद ।
2.	श्री जे.वी. शर्मा उप बन महानिरीक्षक	दूरभाष सं. 24360549 jvsharma@ment.delhi.nic.in इंटरकॉम सं. 520	बन नीति, एन एफ ए पी, बन अंतरराष्ट्रीय सहयोग (एफ आई सी) और राष्ट्रीय बन आयोग (एन एफ सी) ।
3.	श्री विपिन बिहारी उप बन महानिरीक्षक	दूरभाष सं. 24360704 b.bihari@nic.in इंटरकॉम सं. 503	सर्वेक्षण और उपयोग, आई टी टी ओ, वानिकी सांचियकीय
4.	श्री ए. के. जौहरी उप बन महानिरीक्षक (आर टी)	दूरभाष सं. 24364624 johari60@yahoo.com इंटरकॉम सं. 513	वानिकी अनुसंधान और प्रशिक्षण एशिया पेसिफिक फारेस्ट इनवेजन नेटवर्क (ए पी एफ आई एस एन) इन्टरनेशनल नेटवर्क फार बैम्बू एण्ड रेटन (आई एन बी ए आर) भारतीय वानिकी अनुसंधान और शिक्षा परिषद् (आई सी एफ आर ई), देहरादून, भारतीय बन सर्वेक्षण (एफ एस आई), देहरादून, इन्दिरा गांधी राष्ट्रीय बन अकादमी (आई जी एन एफ ए), देहरादून, बन शिक्षा निदेशालय (डी एफ ई), देहरादून के प्रशासनिक और वित्तीय मामले तथा भारतीय प्लाईवुड उद्योग अनुसंधान और प्रशिक्षण संस्थान (आई पी आई आर टी आई), बंगलौर तथा भारतीय बन प्रबंध संस्थान (आई आई एफ एम), भोपाल के सभी मामले ।
5.	श्री संजय कुमार उप बन महानिरीक्षक इंटरकॉम सं. 519	दूरभाष सं. 24362416 skumar_ifs@yahoo.co.in इंटरकॉम सं. 705	एन ए ई बी, एफ डी ए/एन ए पी (12 राज्य) बनीकरण से संबंधित नीतिगत मामले, 20 सूत्रीय कार्यक्रम, एम एण्ड ई कम्यूनिकेशन एण्ड यूनाईटेड नेशन कन्वेशन टू काम्बैट डैजरटिफिकेशन (यू एन सी सी डी) ।
6.	श्री अनमोल कुमार उप बन महानिरीक्षक इंटरकॉम सं. 519 मामले । प्रवासी प्रजातियों पर कन्वेशन, यूनेस्को ।	दूरभाष सं. 24362813 aka6@indiatimes.com वन्यजीव राष्ट्रीय बोर्ड, अन्तरराष्ट्रीय संरक्षण संघ से संबंधित	वन्यजीव, वन्यजीव क्षेत्रीय कार्यालय विश्व-धरोहर कन्वेशन, राष्ट्रीय प्राणि-विज्ञान उद्यान, केन्द्रीय चिडियाघर प्राधिकरण,
7.	श्री सी डी सिंह सहायक बन महानिरीक्षक	दूरभाष सं. 24363984 cdsingh.1987@rediffmail.com इंटरकॉम सं. 523	बन संरक्षण [बन (संरक्षण) अधिनियम, 1980] बन सलाहकार समिति ।
8.	श्री उमाकांत सहायक बन महानिरीक्षक	दूरभाष सं. 24363974 ukant1996@yahoo.co.in इंटरकॉम सं. 517	एफ. पी. डी. से संबंधित कार्य ।
9.	श्री बी. के. सिंह सहायक बन महानिरीक्षक	इंटरकॉम सं. 525 bksingh38@hotmail.com	बन संरक्षण [बन (संरक्षण) अधिनियम, 1980] बाह्य सहायता प्राप्त/पूर्वान्तर राज्य प्रकोष्ठ से संबंधित कार्य, campa

(1)	(2)	(3)	(4)
10.	श्री डी. जैना सहायक वन महानिरीक्षक	दूरभाष सं. 24362497 debasisjana2002@ rediffmail.com इंटरकॉम सं. 706	एफ डी ए/एन ए पी (10 राज्य) हरित भारत स्कीम, वन ग्राम स्कीम का विकास, ग्राम वन योजना स्कीम और राष्ट्रीय वनीकरण और पारि-विकास बोर्ड (एन ए ई बी) के लिए सहायता अनुदान
11.	श्री डी. जैना सहायक वन महानिरीक्षक	दूरभाष सं. 24362497 debasisjana2002@ rediffmail.com इंटरकॉम सं. 706	एन ए ई बी, एफ डी ए/एन ए पी (6 राज्यों) एन ए पी फार्म लैंड पर वृक्षारोपण और सी ई एम डी ई से संबंधित नीतिगत मामले
12.	श्री एस. पी. यादव सहायक वन महानिरीक्षक	इंटरकॉम सं. 526 spyadavifs@rediffmail.com	वन नीति
13.	श्री राजन सहगल सहायक वन महानिरीक्षक	इंटरकॉम सं. 512 aig_rtdiv@yahoo.com	आर. टी.
14.	श्री राजबीर सिंह सहायक वन महानिरीक्षक	इंटरकॉम सं. 708 rajbir_singh_ifs@yahoo.com	एन.ए.ई.बी., एफ.डी.ए. (नौ राज्य) हरित भारत स्कीम
15.	डा. आर. हसन निदेशक (वैज्ञानिक)	दूरभाष सं. 24360734 hasan-mef@nic.in इंटरकॉम सं. 740	वन्यजीव अनुसंधान, गिर्दों का संरक्षण, एवियन इन्फ्लूएन्ज तथा पुरस्कार/फेलोशिप
16.	श्री प्रमोद कृष्णन संयुक्त निदेशक (वन्यजीव)	दूरभाष सं. 24361795 jd-wl@nic.in इंटरकॉम सं. 717	वन्यजीव, संकटापन प्रजातियों पर अन्तरराष्ट्रीय व्यापार पर कन्वेंशन (साईट्स), हाथी परियोजना, राष्ट्रीय उद्यान और अभ्यारण्य
17.	श्री गंगा सिंह संयुक्त निदेशक	दूरभाष सं. 23389883 ganga1965@hotmail.com	राष्ट्रीय बाद्य संरक्षण प्राधिकरण (एन टी सी ए) से संबंधित सभी मामले
18.	श्री सतीश के. अग्रवाल निदेशक	skagrawalsatish@ yahoo.co.in satish.ka@nic.in इंटरकॉम सं. 505	प्रशासन और लोक शिकायत निपटान प्रकोष्ठ, क्षेत्रीय कार्यालयों की स्थापना—पदों का सूजन और उन्हें जारी रखना
19.	श्री सुरेन्द्र कुमार निदेशक	दूरभाष सं. 24361613 kr063@ifs.nic.in इंटरकॉम सं. 116	सी पी डिवीजन वाहनीय प्रदूषण
20.	श्री विजय कुमार निदेशक (सतर्कता)	दूरभाष सं. 24366841 kraviji@yahoo.com इंटरकॉम सं. 535	सतर्कता मामले
21.	श्री चंदन सिंह निदेशक	दूरभाष सं. 24360659 chandan.sing@nic.in इंटरकॉम सं. 616	वन स्थापना ए.जी.एम.यू.टी. संवर्ग के अधीनस्थ खण्डों के अधीनस्थ स्टॉफ (रेंज अधिकारी, उप-रेंजर अधिकारी, वनपाल, वन रक्षक और वन पेहरदारों) का प्रबंधन, राज्यों से ए.सी.एफ., रेंज अधिकारी, वनपालों और वन रक्षकों के सेवा मामले।
22.	श्री सतीश के. अग्रवाल निदेशक, (अतिक्रित प्रभार)	इंटरकॉम सं. 505 satish.ka@nic.in	राष्ट्रीय नदी संरक्षण निदेशालय (एन आर सी डी) प्रशासन, आई सी और प्रशिक्षण बजट का समन्वय, वार्षिक योजना, संसदीय मामलों/समितियों का समन्वय, एन आर सी ए की समितियां, संसद प्रश्नों सहित एन आर सी पी/जी ए पी का समन्वय कार्य, सामान्य प्रकृति के मामले जिनमें समन्वय की आवश्यकता है, यमुना कार्य योजना का समन्वय, प्रचार, जन भागीदारी और मीडिया के कार्य

1	2	3	4
23.	श्री बी सिक्का, निदेशक (वैज्ञानिक)	दूरभाष सं. 24365020 b_sikka@yahoo.com इंटरकॉम सं. 122	(i) उत्तर-प्रदेश, पंजाब, हिमाचल प्रदेश, हरियाणा और राजस्थान के एन आर सी पी कार्य (ii) जे आई सी ए अध्ययन का पूर्ण समन्वय (iii) जम्मू और काश्मीर के राष्ट्रीय झील संरक्षण योजना कार्य केरल, गोवा और उत्तराखण्ड का राष्ट्रीय नदी संरक्षण कार्य और उत्तराखण्ड के राष्ट्रीय झील संरक्षण योजना कार्य
24.	श्री योगेश शर्मा, निदेशक (वैज्ञानिक)	दूरभाष सं. 24366008 yogesh-mef@nic.in इंटरकॉम सं. 141	(क) राष्ट्रीय झील संरक्षण योजना समन्वय और जम्मू काश्मीर उत्तराखण्ड और पश्चिम बंगाल को छोड़कर अन्य सभी राज्यों के राष्ट्रीय झील संरक्षण योजना कार्य (ख) अनुसंधान और विकास परियोजनाएं (ग) सैडीमेन्ट्स और विश्लेषणात्मक गुणवत्ता नियंत्रण सहित राष्ट्रीय नदी संरक्षण योजना के अंतर्गत नदियों की जल गुणवत्ता मानीटरिंग
25.	डा. (श्रीमती) आर दलवानी, निदेशक (वैज्ञानिक)	दूरभाष सं. 24364789 r_dalwani@yahoo.com इंटरकॉम सं. 142	(घ) सीवेज शोधन संयंत्रों की कार्य निष्पादन मानिटरिंग तमिलनाडु, दिल्ली और पश्चिम बंगाल के राष्ट्रीय नदी संरक्षण कार्य और पश्चिम बंगाल के राष्ट्रीय झील संरक्षण योजना कार्य
26.	श्री ललित कपूर, अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24368526 lkapoor2000@yahoo.com इंटरकॉम सं. 143	गुजरात, महाराष्ट्र, बिहार, झारखण्ड और आंध्र प्रदेश के राष्ट्रीय नदी संरक्षण कार्य
27.	श्री राजीव सिन्हा अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24363869 rsinha54@yahoo.com इंटरकॉम सं. 133	उडीसा पूर्वोत्तर राज्य, एम आ छत्तीसगढ़ और कर्नाटक के राष्ट्रीय नदी संरक्षण कार्य
28.	श्री बी बी बर्मन अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24363007 bidhu-mef@nic.in इंटरकॉम सं. 118	रामसर कन्वेशन और राष्ट्रीय नमभूमि संरक्षण कार्यक्रम, सैकोन, उत्कृष्टता केन्द्र के रूप में
29.	डा. एस कौल निदेशक (वैज्ञानिक)	दूरभाष सं. 24360492 26178917(R)kaul 52@ yahoo.com इंटरकॉम सं. 602	गोविन्द बल्लभ पंत हिमालयी पर्यावरण विकास संस्थान (जी बी पी एच आई ई डी) और एकीकृत पर्वत विकास के लिए अन्तरराष्ट्रीय केन्द्र (आई सी आई एम ओ डी) ए जी एम यू टी संवर्ग का संवर्ग प्रबंध और भारतीय वन सेवा अधिकारियों की वार्षिक गोपनीय रिपोर्ट प्रकोष्ठ
30.	श्री विवेक सक्सेना, निदेशक	दूरभाष सं. 24362065 hr 062@ifs.nic.in इंटरकॉम सं. 435	जलवायु परिवर्तन (सीसी) (सी डी एम और यू एन एफ सी सी सी सहित) ग्लोबल वार्मिंग और क्योटो प्रोटोकोल
31.	श्री आर के सेठी, निदेशक	दूरभाष सं. 24362252 rksethi@nic.in इंटरकॉम सं. 135	प्रदूषण नियंत्रण (सी पी)
32.	डा. जगराम निदेशक (वैज्ञानिक)	दूरभाष सं. 24367640 jagram@nic.in इंटरकॉम सं. 739	- पर्यावरणीय प्राधिकरण - पूरि-नगर - प्रदूषण पुरस्कार
33.	डा. जे आर भट्ट निदेशक (वैज्ञानिक)	दूरभाष सं. 24363962 jrbhatt@nic.in इंटरकॉम सं. 546	यथा संबोधित “तटीय विनियमन जोन (सी आर जेड) अधिसूचना 1991 और उससे संबंधित अन्य मामलों को छोड़कर कच्छ वनस्पति और प्रवाल भित्तियां, ए आई सी ओ पी टी ए एक्स (वर्गिकी में क्षमता निर्माण पर समन्वित परियोजना), फाऊंडेशन फार रिवाइटलाइजेशन आफ लोकल हेल्थ ट्रेडिशन (एफ आर एल एच टी) बंगलौर स्थित उत्कृष्टता केन्द्र और वर्गिकी पर जानकी अमल राष्ट्रीय पुरस्कार

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34.	डा. ए. दुराइस्वामी निदेशक (वैज्ञानिक)	दूरभाष सं. 24642176 ozone-mef@nic.in	ओजोन सेल और मान्द्रियल प्रोटोकोल
35.	डा. (श्रीमती) रंजनी जैव-सुरक्षा पर क्षमता निर्माण निदेशक (वैज्ञानिक)	दूरभाष सं. 24363964 वारियर	आनुवंशिक इंजीनियरिंग अनुमोदन समिति (जी ई ए सी) जैव सुरक्षा पर कार्टिजेना प्रोटोकोल
36.	श्री जय नारायण, निदेशक	इंटरकॉम सं. 530 दूरभाष सं. 24361952 इंटरकॉम सं. 625 jn@ub.nic.in	परियोजना हिंदी (राजभाषा)
37.	डा. एस के अग्रवाल निदेशक (वैज्ञानिक)	दूरभाष सं. 24362434 skag@nic.in इंटरकॉम सं. 545	- खनन परियोजनाएं (गैर-कोयला) - ताप विद्युत परियोजनाएं - (ई.आई.ए.) अधिसूचना संशोधन एवं संबंधित मुद्रे प्रभाव मूल्यांकन (आई ए)
38.	डा. पी.एल आहूजाराय निदेशक (वैज्ञानिक)	दूरभाष सं. 24363973 plahujarai@yahoo.com इंटरकॉम सं. 174	- उद्योग (आर्थिक) परियोजनाओं का पर्यावरणीय मूल्य निर्धारण - खनन (गैर-कोयला) हेतु मूल्य निर्धारण समिति - एस ई आई ए ए और एस ई ए सी का गठन और उन पर अनुबर्ती कार्रवाई मानीटरी - तेल, गैस और पेट्रोलियम और डिस्टीलरीज क्षेत्र सहित औद्योगिक परियोजनाएं
39.	श्री भारत भूषण, निदेशक (वैज्ञानिक)	दूरभाष सं. 24360795 bhushan-mef@nic.in इंटरकॉम सं. 516	निर्माण परियोजनाएं - संसद संबंधी मामलों का समन्वय, वरिष्ठ अधिकारियों की बैठक और व्यय विवरण हेतु सूचना का मिलान करना
40.	डा. टी चांदनी	दूरभाष सं. 24363963 निदेशक (वैज्ञानिक) इंटरकॉम सं. 172	कोयला खनन परियोजनाओं का पर्यावरणीय प्रभाव मूल्यांकन t.chand 2003@yahoo.co.uk - उत्कृष्टता केंद्र धनबाद - क्षेत्र विशिष्ट ई आई ए मैन्यूअल/दिशा-निर्देश के विकास हेतु प्रस्तावों की समीक्षा करना और संस्थानों को निधियां जारी करना
41.	श्री आर. सी. मीना निदेशक (ई ई)	दूरभाष सं. 24360783 rc.meena@nic.in इंटरकॉम सं. 906	राष्ट्रीय हरित दल/पारि-कलब - प्रदर्शनियों/मेलों में मंत्रालय और उसके संबंधित अधिकारियों की भागीदारी - अन्य जागरूकता कार्यक्रमों के लिए वित्त सहायता की मंजूरी - प्रशिक्षण कार्यक्रमों के आयोजन के लिए वित्त सहायता की मंजूरी
42.	डा. नसीम अहमद प्राकृतिक संसाधनों के सतत उपयोग और के लिए विशेषज्ञ प्रकरण समूह (ए और बी)	दूरभाष सं. 24363677 निदेशक (वैज्ञानिक)	पारि-प्रणाली अनुसंधान कार्यक्रम और पूर्वी तथा पश्चिमी धारा naseem552004@yahoo.co.in अनुसंधान कार्यक्रम, इंटरकॉम सं. 927 संरक्षण
43.	श्री अशोक भाटिया निदेशक (वैज्ञानिक)	दूरभाष सं. 24367625 forabhatia@yahoo.com इंटरकॉम सं. 552	पर्यावरण अनुसंधान कार्यक्रम (ई आर पी), आर्थिक और सामाजिक पर्यावरणीय मुद्रों से संबंधित अनुसंधान प्रस्ताव, प्रदूषण की रोकथाम, उपशमन और नियंत्रण के लिए विशेषज्ञ प्रकरण समूह, आर्थिक और सामाजिक मुद्रों पर विशेषज्ञ प्रकरण समूह अधिकतम दुर्घटना जोखिम (एम ए एच) इकाई में रासायनिक सुरक्षा
44.	डॉ. (श्रीमती) चन्दा चौधरी निदेशक (वैज्ञानिक)	chhanda-c@yahoo.com इंटरकॉम सं. 741	जैव चिकित्सा अपशिष्ट प्रबंधन (प्रबंधन एवं हथालन) नियमावली और खतरनाक अपशिष्टों पर स्थायी समिति
45.	डॉ. एम. सुब्बा राव निदेशक (वैज्ञानिक)	दूरभाष सं. 24361410 wowsubbarao@yahoo.co.in इंटरकॉम सं. 738	प्रदूषण नियंत्रण (सी पी)
46.	डॉ. (श्रीमती) मंजू रैना अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24360270 mraina 99@yahoo.com इंटरकॉम सं. 117	- जल गुणवत्ता, प्रयोगशालाओं और औद्योगिक प्रदूषण की पहचान

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47.	श्री आर. एन. जिंदल अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24366347 राजनीतिक सं. 556 इंटरकॉम सं. 539	प्रदूषण नियंत्रण (सी पी) - वायु प्रदूषण और ध्वनि प्रदूषण - सी आर ई पी प्रभाव आकलन (आई ए) नदी धारी क्षेत्र (सिंचाई और पन विद्युत परियोजना)
48.	डॉ. एस. भौमिक अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24362827 भौमिक@ment.delhi.nic.in इंटरकॉम सं. 539	प्रभाव आकलन (आई ए) महाराष्ट्र और हरियाणा में निर्माण परियोजनाएं
49.	डॉ. के. सी. राठौर अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24360789 rathore27@yahoo.com इंटरकॉम सं. 144	पर्यावरण और एन आर सी डी पर एकीकृत वित्त प्रभाग
50.	श्री एस. जगन्नाथन निदेशक	दूरभाष सं. 24360678 jsrr999@yahoo.com इंटरकॉम सं. 522	सिविल निर्माण एकक को सौंपे गए पर्यावरण एवं वन मंत्रालय और उसके विभागों, अधीनस्थ कार्यालयों और स्वायत्तशासी संस्थानों के कार्यों की योजना और निष्पादन से संबंधित मामले।
51.	श्री ए. अंदीश्वरन सुपरीटेंडेंट इंजीनियर (सीसीयू)	दूरभाष सं. 24360588 seccu-mef@nic.in इंटरकॉम सं. 725	भारतीय वनस्पति सर्वेक्षण (बी एस आई), भारतीय प्राणी सर्वेक्षण (जेड एस आई), भारतीय गणतंत्र का वानस्पतिक उद्यान (बी जी आई आर) - वानस्पतिक उद्यानों को सहायता - सेंटर ऑफ इकोलॉजिकल सार्विसेज - सामुदायिक सहभागिता के माध्यम से जैव-विविधता संरक्षण पर जैव-विविधता संरक्षण यू. एन. डी. पी. परियोजना - राष्ट्रीय जैव-विविधता प्राधिकरण (एन बी ए) जैव-विविधता पर कन्वेंशन (सी बी डी), राष्ट्रीय जैव-विविधता रणनीति एवं कार्य योजना (एन बी एस ए पी) - पर्यावरण प्रभाव मूल्यांकन औद्योगिक परियोजना (आशिक) - पर्यावरणीय परामर्शदाता को प्राधिकृत करना और क्यू.सी.आई. के साथ समन्वय स्थापित करना। स्वच्छ उत्पादन/स्वच्छ प्रौद्योगिकी
52.	डॉ. ई.वी. मूले निदेशक (वैज्ञानिक)	दूरभाष सं. 24364593 evmuley@nic.in इंटरकॉम सं. 558	स्वच्छ उत्पादन/स्वच्छ प्रौद्योगिकी
53.	डॉ. आरके. राय अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24367669(O) 2625098(R) ramakrai@yahoo.com इंटरकॉम सं. 612	तीटीय विनियमन जोन (सी आर जेड) और अवसंरचना परियोजनाएं
54.	डॉ. सुजाता अरोड़ा अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24361601 sujata@nic.in इंटरकॉम सं. 737	विधिक प्रकोष्ठ
55.	डॉ. पी.बी. रस्तोगी निदेशक (वैज्ञानिक)	दूरभाष सं. 24367668 pb.rastogi@nic.in इंटरकॉम सं. 550	- एच एस एम डी - बेसल कन्वेंशन - खतरनाक अपशिष्ट (प्रबंधन एवं हथालन) नियमावली, बैटरीज (प्रबंधन एवं हथालन) नियमावली, खतरनाक अपशिष्टों की सीमापार आवाजाही के नियंत्रण पर बेसल कन्वेंशन - पर्यावरण शिक्षा केन्द्र अहमदाबाद - सी पी आर पर्यावरणीय शिक्षा केन्द्र चैनई - नए उत्कृष्टता केन्द्रों को स्थापित करना।
56.	डॉ. एम सलाहुद्दीन अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24364595 msal 2000@hotmail.com इंटरकॉम सं. 743	
57.	डॉ. सेंथिल वेल अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24360694 senthil.vel@nic.in इंटरकॉम सं. 734	
58.	श्री ईश्वर सिंह वरिष्ठ कानून अधिकारी	दूरभाष सं. 24362755 isingh1010@yahoo.com इंटरकॉम सं. 614	
59.	डॉ. सरोज निदेशक (वैज्ञानिक)	दूरभाष सं. 24364067 sarojmoef@yahoo.com इंटरकॉम सं. 751	
60.	श्रीमती सुजाता खापरडे अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24360379 sujata_mk@yahoo.com इंटरकॉम सं. 557	

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61. श्रीमती रीता खन्ना अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24367664 rita_khanna_2000@yahoo.com इंटरकॉम सं. 176/173		<ul style="list-style-type: none"> - राष्ट्रीय पर्यावरणीय जागरूकता अधियान (एन ई ए सी) - पर्यावरणीय कार्यक्रम (ग्लोब) को लाभान्वित करने के लिए ग्लोबल लर्निंग और ओबजरवेशन्स - एम एच आर डी, एन सी ई आर टी और राज्य शिक्षा विभागों के साथ समन्वय सहित औपचारिक पर्यावरणीय शिक्षा - व्यावसायिक पाठ्यक्रमों में पर्यावरण को मजबूत बनाना - इन्हने को माध्यम से पर्यावरणीय एप्रिसेशन पाठ्यक्रम - सेमिनारों/परिसंवादों/कार्यशालाओं के लिए वित्तीय सहायता की मंजूरी - व्यावसायिक सोसायटी/संस्थानों को सहायता अनुदान - पर्यावरण पर प्रकाशनों के लिए वित्तीय सहायता की मंजूरी - पुस्तकालय से संबंधित सभी कार्यपीठांबर पंथ राष्ट्रीय पर्यावरण फैलोशिप, जैव-विविधता के लिए डॉ. बी. पी. पाल राष्ट्रीय पर्यावरण फैलोशिप, वन्यजीव तथा पशु कल्याण का संरक्षण और प्रबंधन पर विशेषज्ञ प्रकरण समूह एन एन आर एम एस कार्यक्रम
62. डॉ. ए. के. त्यागी अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24367670 इंटरकॉम सं. 609		
63. डॉ. आर. के. सूरी अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24361668 rk_suri@yahoo.co.uk इंटरकॉम सं. 913		
64. श्री अंजनी कुमार निदेशक (पशु कल्याण)	दूरभाष सं. 23318553 anjani.moef@yahoo.com		
65. सुश्री एस. बी. औलक निदेशक	दूरभाष सं. 24367685 Sunita50@yahoo.com इंटरकॉम सं. 538		
66. श्रीमती संचिता जिन्दल अपर निदेशक	दूरभाष सं. 24360488 sanchita@nic.in इंटरकॉम सं. 752		<ul style="list-style-type: none"> पर्यावरण एवं वन मंत्रालय में पशु कल्याण बोर्ड सहित पशु कल्याण मामले - क्षेत्रीय कार्यालयों द्वारा प्रस्तुत की गई मानीटरी रिपोर्टों का मूल्यांकन - परियोजना प्रस्तावकों से प्राप्त ट्रिवार्षिक रिपोर्टों का तकनीकी मूल्य-निर्धारण - आई.ए. प्रभाग की आंतरिक बैठकों सहित समन्वय गतिविधियां - मन्त्रीमंडलीय सचिव को मासिक डी.ओ., सूचना का अधिकार संबंधी मामले, आंतरिक समन्वय बैठक परिसंकटमय पदार्थ प्रबंधन अनुभाग (एच एस एम डी)
67. श्री एच.एस. मालविया अपर निदेशक	इंटरकॉम सं. 175 hsmalviya@gmail.com		<ul style="list-style-type: none"> औद्योगिक क्षेत्र से संबंधित आई.ए. मामले । ई.आई.ए. अधिसूचना नीति आई.ए. - खनन परियोजनाएं
68. श्री सतीश गडकोटी अपर निदेशक	इंटरकॉम सं. 551 satish1962@yahoo.com		
69. डॉ. एच.अहमद अपर निदेशक	दूरभाष सं. 24361669 hahmed2000@yahoo.com इंटरकॉम सं. 123		
70. डॉ. एस.बी. रेड्डी अपर निदेशक	इंटरकॉम सं. 753 svreddy_1950_2000@yahoo.com		<ul style="list-style-type: none"> - वार्षिक रिपोर्ट - मानव और जैव-मंडल रिजर्व कार्यक्रम
71. डॉ. एम. होता अपर निदेशक	इंटरकॉम सं. 914 hota@nic.in दूरभाष सं. 24367663		<ul style="list-style-type: none"> - फाउंडेशन ऑफ रिवाईटालाइजेशन ऑफ लोकल हेल्थ ट्रेडिशन (एफ.आर.एल.एच.टी.) से संबंधित मामले - औषधिय पौधों पर यू.एन.डी.पी. परियोजनाएं - मंत्रालय के अन्य प्रभागों के साथ औषधीय पौधों पर समन्वय स्थापित करना ।
72. डॉ. आर. के. पाठक तकनीकी निदेशक	इंटरकॉम सं. 611 rkpathak@nic.in		एन.आई.सी.
73. श्री समीर श्रीवास्तव उप सचिव (आई सी-II)	दूरभाष सं. 24362612 sameer.ks@nic.in इंटरकॉम सं. 603		अंतरराष्ट्रीय सहयोग (आई सी और एस डी-II)

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74.	सुश्री प्रतिभा राज उप सचिव (पी सी और टी एवं ई)	दूरभाष सं. 24366739 pratibha.raj@nic.in इंटरकॉम सं. 745	क्षेत्रीय कार्यालय (मुख्यालय)
75.	श्रीमती एस. घोष राय उप सचिव	दूरभाष सं. 24360772 Saheli.ghosh@nic.in इंटरकॉम सं. 707	पर्यावरण नीति और कानून और सतत विकास तथा अंतरराष्ट्रीय सहयोग।
76.	सुश्री डॉ. डिएस इमेलिण्डा मारिया जे उप सचिव	दूरभाष सं. 24360667 maria.dias@nic.in इंटरकॉम सं. 610	पारि-विकास बल स्कॉम, आई पी ची एम पुरस्कार, एन ई प्रकोष्ठ, ई-शासन, राष्ट्रीय बनीकरण और पारि-विकास बोर्ड (एन ए ई बी)।
77.	श्री नारायण दास उप सचिव	इंटरकॉम सं. 527 dassnarain@yahoo.com	सामान्य समन्वय, सूचना का अधिकार अधिनियम (आर.टी.आई) तथा आंतरिक कार्य अध्ययन इकाई।
78.	डॉ. उदय शंकर निदेशक, (आई एफ डी)	दूरभाष सं. 24362387 drudayshanker@gmail.com इंटरकॉम सं. 917	बन, एन.ए.ई.बी. और बन्धजीव से संबंधित समेकित वित्त प्रभाग।
79.	श्री ए. के. लाल निदेशक	दूरभाष सं. 24367077 aklal87@gmail.com इंटरकॉम सं. 431	ए.जी.एम यू.टी. संवर्ग के अतिरिक्त भारतीय बन सेवा (आई.एफ.एस.) का संवर्ग प्रबंध।
80.	श्री सी.एल. लांगायन उप सचिव	दूरभाष सं. 24360769 इंटरकॉम सं. 604	ए.जी.ओ. प्रकोष्ठ
81.	डा. दलीप कुमार उप सचिव लेखा नियंत्रक	दूरभाष सं. 24361116 drdk0000@yahoo.co.in इंटरकॉम सं. 157	बजट प्रस्तावों की छानबीन-बजट अनुमानों को तैयार करना-योजनागत बजट के संबंध में योजना समन्वय से विचार-विमर्श करना-पूरक अनुदान मांगों में समाविष्ट करने के लिए प्रस्तावों की संवीक्षा। - मंत्रालयों की शक्तियों के अंदर और मंत्रालयों की शक्तियों के बाहर, दोनों के संबंध में, प्रस्तावों की पुनर्विनियोजन प्रक्रिया आरंभ करना। - अनुदान मांगे तैयार करना व मुद्रण। - प्रारूप/ऑडिट ऐश पर की गई कार्रवाई पर टिप्पण प्रस्तुत करना। - सरकारी कर्मचारियों को ऋण के अंतर्गत निधियों की संवीक्षा और आवंटन। - बेतन व अन्य भत्तों का संवितरण। - सहायता-अनुदान का संवितरण। - आवधिक व्यय विवरण आदि प्राप्त करना। आर्थिक प्रकोष्ठ, सदस्य-सचिव, महिलाओं के विरुद्ध यौन उत्पीड़न प्रकोष्ठ
82.	सुश्री गुर प्यारी अपर सलाहकार (आर्थिक)	दूरभाष सं. 24368843 gurpyari@nic.in इंटरकॉम सं. 925	व्यापार और पर्यावरण, पी. सी. प्रभाग
83.	श्री अग्रिम कौशल उप सचिव	इंटरकॉम सं. 704 agrim.k@nic.in	सामान्य प्रशासन (जी.ए.), संसद और प्रोटोकॉल
84.	श्री पंकज गर्ग उप सचिव	इंटरकॉम सं. 918 pankaj.garg@nic.in	राष्ट्रीय बनीकरण एवं पारि-विकास बोर्ड प्रशासन और बन ग्रामों का विकास।
85.	श्री एस. के. जैन उप सचिव	इंटरकॉम सं. 617 suyashjain2011@yahoo.com	- पारि-स्थितिकीय रूप से संवेदनशील क्षेत्र - फ्लाई ऐश से संबंधित मामले - पर्यावरणीय स्वास्थ्य
86.	श्री नीरज खत्री उप-निदेशक	इंटरकॉम सं. 146 neerajkhatri@yahoo.com	एफ.ई., राष्ट्रीय प्राकृतिक विज्ञान संग्रहालय-प्रकोष्ठ
87.	श्रीमती मालती रावत अवर सचिव	इंटरकॉम सं. 510	

II उक्त अधिनियम की धारा 19(1) के तहत अपीलीय प्राधिकरण के रूप में नामोदिष्ट संयुक्त सचिव/बन महानिरीक्षक/सलाहकार स्तर के अधिकारी ।

क्र. सं.	पदनाम	दूरभाष सं.	विषय सामग्री
1.	श्री भारत भूषण संयुक्त सचिव एवं वित्तीय सलाहकार	दूरभाष कैम्स 24362388 bharatbhushan@mit.gov.in इंटरकॉम सं. 437	<ul style="list-style-type: none"> - मंत्रालय के एस एफ सी/ई एफ सी/सी सी ई ए प्रस्तावों की जांच करना और उन पर सहमति प्रदान करना । - विदेशों में प्रतिनियुक्ति । - सहायता अनुदान जारी करना । - मंत्रालय के वित्तीय मामले । - अधिकारियों और कर्मचारियों द्वारा प्राप्त किया गया पारिश्रमिक । - अनुदान मांगें तैयार करना व मुद्रण । - प्रारूप/ऑडिट पैरा पर की गई कार्रवाई प्रस्तुत करना ।
2.	श्री रजनी रंजन रश्मि संयुक्त सचिव	rr.rashmi@nic.in इंटरकॉम सं. 408	जलवायु परिवर्तन (सीसी) (सी डी एम और यू एन एफ सी सी सी सहित) ।
3.	श्री आर. के. वैश संयुक्त सचिव	दूरभाष सं. 24360634 Vaishrk@nic.in इंटरकॉम सं. 415	प्रदूषण नियंत्रण (सी पी), परिसंकटमय पदार्थ प्रबंधक प्रभाग (एच एस एम डी), केन्द्रीय प्रदूषण नियंत्रण बोर्ड का प्रशासन ।
4.	श्री सुधीर मित्तल संयुक्त सचिव	दूरभाष सं. 24363956, 23314932 mital_sudhir@nic.in इंटरकॉम सं. 414	अंतर्राष्ट्रीय सहयोग (आई सी एंड एस डी-II) (पर्यावरण स्थिति रिपोर्टों को छोड़कर), ग्लोबल पर्यावरण सुविधा (जी ई एफ), सतकंता, राष्ट्रीय प्राकृतिक विज्ञान संग्रहालय (एन एम एच), पर्यावरण नीति और कानून, विधायी प्रकोष्ठ सहित, सतत विकास और अंतर्राष्ट्रीय सहयोग, मरुस्थलीकरण रोकने के लिए यूनाईटेड नेशन्स कन्वेंशन (यू एन सी सी डी), मीडिया ।
5.	डॉ. बी. पी. नीलरत्न संयुक्त सचिव	दूरभाष सं. 24361712 jsbpn_mef@nic.in इंटरकॉम सं. 422	प्रवाल भित्तियां, कच्छ बनस्पति, फाउंडेशन ऑफ रिकाइटलाइजेशन ऑफ लोकल हॉल्थ ट्रेडिशन (एफ आर एल एच टी), ओजोन सेल और मॉन्ट्रीयल प्रोटोकॉल, सी ई एस/आई आई एस सी, बंगलौर, हिन्दी (राजभाषा) ।
6.	श्री ए. के. गोयल संयुक्त सचिव	दूरभाष सं. 24361774 akg@nic.in फैक्स सं. 24367009 इंटरकॉम सं. 440	<ul style="list-style-type: none"> - सामान्य प्रशासन और संसद /प्रोटोकॉल, प्रशासन और जन शिक्षायत निवारण प्रकोष्ठ, क्षेत्रीय कार्यालयों की स्थापना, सामान्य समन्वय, सूचना का अधिकार और आंतरिक कार्य अध्ययन एकक, भारतीय बनस्पति सर्वेक्षण (बी एस आई), भारतीय प्राणि सर्वेक्षण (जेड एस आई), ई-गवर्नेंस सलीम अली पक्षी विज्ञान और प्राकृतिक विज्ञान केन्द्र (एस ए सी ओ एन), कार्टिजेना प्रोटोकॉल सहित जैव-संरक्षा, अनुवाशिक इंजीनियरी अनुमोदन समिति (जी. ई. पी. सी.) राष्ट्रीय जैव विविधता प्राधिकरण (एन.वी.ए.), राष्ट्रीय जैव विविधता कार्यनीति और कार्य-योजना (एन.बी.एस.ए.पी.), जैवीय विविधता पर कन्वेंशन (सी.बी.डी.), नम भूमियां और रामसर कन्वेंशन ।
7.	श्री एच. के. पाण्डेय संयुक्त सचिव	दूरभाष सं. 24362551 hempande@hotmail.com फैक्स सं. 24360894	<ul style="list-style-type: none"> - भारतीय बन सेवा का प्रशासन, बन स्थापना, आई.यू.सी.एन.-विश्व संरक्षण संघ, जी.बी.पंत हिमालयी पर्यावरण एवं विकास संस्थान (जी.बी.पी.आई.एच.ई.डी.), अंत राष्ट्रीय समेकित पर्वतीय विकास केन्द्र (आई.सी.आई.एम.ओ.डी.), मानव और जैव-मंडल रिज़र्व कार्यक्रम (एम.ए.बी.पी.), जैव विविधता संरक्षण, जीव-जन्तु कल्याण ।

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8.	श्री एम. सेन गुप्ता सलाहकार	दूरभाष सं. 9871738714, 24369629 msen2k@cos.com manotosh_sengupta@yahoo.com इंटरकॉम सं. 548	राष्ट्रीय नदी संरक्षण निदेशालय (एन आर सी डी), राष्ट्रीय झील संरक्षण योजना (एन एल सी पी), स्वच्छ उत्पादन/स्वच्छ प्रौद्योगिकी
9.	डॉ. सुबोध कुमार शर्मा सलाहकार	दूरभाष सं. 24360861 subodh.kumar@nic.in इंटरकॉम सं. 112	नेशनल कैम्प्यूनीकेशन्स (एन ए टी सी ओ एम)-आई पी सी सी (जलवायु परिवर्तन पर अंतर-सरकारी पैनल), और जलवायु परिवर्तन से संबंधित सभी अन्य वैज्ञानिक/ तकनीकी कार्य
10.	डॉ. जी. के. पांडे सलाहकार	दूरभाष सं. 24360467 pandey@menf.delhi.nic.in इंटरकॉम सं. 531	पर्यावरणीय स्वास्थ्य, विश्व बैंक औद्योगिकीय विकास क्षमता परियोजना, ताप विद्युत एवं भवन निर्माण क्षेत्र से संबंधित प्रभाव मूल्यांकन, कोयला खनन-क्षेत्र का प्रभाव मूल्यांकन, रोटरडेम कन्वेंशन, स्ट्रेटेजिक अप्रोच टू इंटरनेशनल केमिकल्स मेनेजमेंट (एस.ए.आई.सी.एम.), राष्ट्रीय आपदा प्रबंध प्राधिकरण (एन.डी.एम.ए.) रसायनिक आपदा (खतरनाक रसायनिक प्रबंध, सहित), नगर-निगम ठोस अपशिष्ट प्रबंध एम.एस. एच.आई.सी. नियमावली, रसायन दुर्घटना नियमावली तथा रसायन सुरक्षा, स्टॉकहोम कन्वेंशन (प्रभावी मूल्यांकन और पी ओ पी संवीक्षा समिति), प्लास्टिक उत्पादन और उपयोगिता नियमावली, एम.एस. डब्ल्यू नियमों का कार्यान्वयन, जन दायित्व सुरक्षा और संबंधित न्यायिक मामले, पारा सहित भारी धातुएं
11.	श्री आर. मेहता सलाहकार	दूरभाष सं. 24362840 rmehta@nic.in इंटरकॉम सं. 543	पर्यावरणीय शिक्षा (पुस्तकालय सहित), लोबल पब्लिक गुड्स
12.	श्री आर. एस. अहलावत आर्थिक सलाहकार	दूरभाष सं. 24362663 rsahlawat-mef@nic.in इंटरकॉम सं. 908	<ul style="list-style-type: none"> - योजना समन्वय, आर्थिक प्रकोष्ठ, व्यापार और पर्यावरण - बजट प्रस्ताव और बजट अनुमान - बजट प्रस्तावों की संवीक्षा और पूरक अनुदान हेतु बजट प्रस्ताव सहित बजट अनुमानों को तैयार करना। - मंत्रालय की शक्तियों के अंदर और मंत्रालय की शक्तियों के बाहर दोनों में प्रस्तावों के पुनर्विनियोजन की प्रक्रिया संबंधी कार्य।
13.	डॉ. एस. पी. शर्मा सांख्यिकीय सलाहकार	दूरभाष सं. 24363021 sprasad.sharma@nic.in इंटरकॉम सं. 103	पर्यावरण एवं वन मंत्रालय की वार्षिक रिपोर्ट, 'पर्यावरण स्थिति' रिपोर्ट, पर्यावरणीय सूचना (इन्द्रिय गांधी पर्यावरण पुरस्कार को छोड़कर), सांख्यिकीय प्रकोष्ठ, एन जी ओ प्रकोष्ठ
14.	डॉ. नलिनी भट्ट सलाहकार (वैज्ञानिक)	दूरभाष सं. 24360478 nalinibhat@nic.in इंटरकॉम सं. 541	<ul style="list-style-type: none"> - उद्योग क्षेत्र, अवसंरचना, नदी धाटी और खनन क्षेत्रों तटीय विनियमन जोन (सी आर जेड) से संबंधित प्रभाव मूल्यांकन, स्रोत विशिष्ट अध्ययन और मेल उद्घोषणा

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15.	डॉ. आर. बी. लाल वन महानीरीक्षक	दूरभाष सं. 24360740 lgfwl-mef@nic.in इंटरकॉम सं. 106	वन्यजीव, वन्यजीव क्षेत्रीय कार्यालय, साईटेस, राष्ट्रीय उद्यान और अभयारण्य, डब्ल्यू एच सी, राष्ट्रीय प्राणि उद्यान, केन्द्रीय चिडियाघर प्राधिकरण, एन बी डब्ल्यू एल एफ, सी एम एस, यूनेस्को, वन्यजीव
16.	श्री के. बी. थम्पी वन महानीरीक्षक	दूरभाष सं. 24367404 kbthampi-mef@nic.in इंटरकॉम सं. 710	रा. ब. पारि-विकास बोर्ड, एफ डी ए/एन ए पी (28 राज्य), वनीकरण से संबंधित नीतिगत मामले, ग्रीनिंग इंडिया स्कीम हेतु सहायता अनुदान, पारि-विकास स्कीमें और अन्य रा.व. पारि-विकास स्कीमें एम एण्ड ई और इन्दिरा प्रियदर्शिनी वृक्षमित्र पुरस्कार, गैर-इमारती लकड़ी वन-उत्पाद के लिए नोडल अधिकारी ।
17.	श्री अंसार अहमद वन महानीरीक्षक (एफ सी)	दूरभाष सं. 24362698 ansarahmed51@yahoo.com इंटरकॉम सं. 115	वन संरक्षण (एफ सी), क्षेत्रीय कार्यालय (आर.ओ.) वनिकी अनुसंधान व प्रशिक्षण और वन नीति, बाह्य सहायता प्राप्त परियोजना प्रकोष्ठ और पूर्वोत्तर राज्य प्रकोष्ठ, वन संरक्षण
18.	श्री अंसार अहमद वन महानीरीक्षक (ई ए पी)	दूरभाष सं. 24362698 ansarahmed51@yahoo.com इंटरकॉम सं. 115	बाह्य सहायता प्राप्त परियोजनाएं (ई ए पी), सर्वेक्षण और उपयोगिता (एस यू) और वन सुरक्षा प्रभाव (एफ पी डी)
19.	श्री ए. एन. प्रसाद वन महानीरीक्षक व निदेशक (पी ई)	दूरभाष सं. 243620957 gajendra@nic.in इंटरकॉम सं. 113	हाथी परियोजना, भारतीय वन्यजीव संस्थान और वन्यजीव अपराध प्रकोष्ठ
20.	श्री राजेश गोपाल वन महानीरीक्षक और निदेशक (पी टी)	दूरभाष सं. 23384428 dirpt-r@nic.in	राष्ट्रीय बाध संरक्षण प्राधिकरण (एन टी सी ए) से संबंधित सभी मामले
21.	श्री बी. आर. शर्मा सदस्य सचिव, सी. जेड. ए	दूरभाष सं. 23381585 cza@nic.in	केन्द्रीय चिडियाघर प्राधिकरण, राष्ट्रीय प्राणि उद्यान, सर्वेक्षण और उपयोगिता, वन सुरक्षा प्रभाग और जे एफ एम प्रकोष्ठ, वन नीति, एन एफ ए पी, एफ आई सी, वन अनुसंधान और प्रशिक्षण और एन एफ सी योजना और निर्माण संबंधी कार्य जैसे ऑफिस की इमारतें, प्रयोगशाला की इमारतें आवासीय परिसर, हरबेरियम, संग्रहालय, मंत्रालय के अधीनस्थ कार्यालयों की लैंडस्कपिंग
22.	श्री ए. के. त्रिवेदी मुख्य अधियंता (सी सी यू)	दूरभाष सं. 24360643 फैक्स 24363422 ceccu@nic.in इंटरकॉम सं. 728	पर्यावरण में अनुसंधान (आर.ई.), फ्लाई एश तथा पारिस्थितिकीय संवेदनशील क्षेत्र, वार्गिकी में क्षमता निर्माण पर अखिल भारतीय समन्वित परियोजना (ए आई सी ओ पी टी ए एक्स), एनटिटिस ऑफ इनकम्प्यूटरेबल वैल्यू रेयूलेशन, निदेशक (एन एम एन एच) का अतिरिक्त प्रभार
23.	डा. जी. बी. सुब्रामण्यम सलाहकार (वैज्ञानिक)	दूरभाष सं. 24364594 gvs_mqef2005@yahoo.co.in इंटरकॉम सं. 601	एन.आई.सी.
24.	श्री एस.एस.गहलोट वरिष्ठ तकनीकी निदेशक	दूरभाष सं. 24305326 gahlot@nic.in	

III. ऐसे सभी अधिकारी जिनके पास जानकारी है और जो मामलों का निपटान कर रहे हों, वे वस्तुतः जन सूचना अधिकारी होंगे ।

IV. मंत्रालय के लिंक अधिकारियों को नामोदिष्ट किये जाने की व्यवस्था, सूचना का अधिकार अधिनियम के तहत मामलों का निपटान कर रहे अपीलीय प्राधिकरणों/केन्द्रीय जन सूचना कार्यालयों को भी लागू होंगी ।

V. यह अधिसूचना मंत्रालय की दिनांक 10 जून, 2008 की पूर्व अधिसूचना संख्या 1/2/2007-आर.सी.का अधिकांत करती है ।

[सं. 1/2/2007-आर.सी.]

ए. के. गोयल, संयुक्त सचिव

MINISTRY OF ENVIRONMENT AND FORESTS

New Delhi, the 19th June, 2008

S.O. 2231.—In exercise of the powers conferred by Section 5(1)/Section 19(1) of the Right to Information Act, 2005, the following officers of the Ministry of Environment and Forests are hereby designated as Central Public Information Officers/Appellate Authorities etc, in respect of the specific subject matters mentioned against their names.

I. Officers of the level of DIGF/Director/Additional Director/Deputy Secretary/AIGF/US/DD designated as Central Public Information Officers under Section 5 (1) of the Act.

S. No.	Designation	Tele. No.	Subject Matter
1	2	3	4
1.	Smt. Rekha Pai, DIGF	T.No. 24362875 rekhapai2003@yahoo.co.in Intercom No. 515	Forest Protection Division & Joint Forest Management (JFM) Cell, LULUCF under United Nation Framework Convention on Climate Change (UNFCCC), Non-timber Forest Produce
2.	Shri J.V. Sharma, DIGF	T.No.24360549 jvsharma@menf.delhi.nic.in Intercom No. 520	Forest Policy, NFAP, Forest International Cooperation (FIC) & National Forest Commission (NFC)
3.	Shri Bipin Behari, DIGF	T.No.24360704 b.behari@nic.in Intercom No. 503	Survey & Utilization, ITTO, Forestry Statistics
4.	Shri A. K. Johari, DIGF(RT)	T.No.24364624 johari60@yahoo.com Intercom No. 513	Forestry Research and Training, Asia-Pacific Forest Invasion Network (APFISN), International Network for Bamboo and Rattan (INBAR), Administrative and Financial matters of Indian Council Forestry Research and Education (ICFRE), Dehradun, Forest Survey of India (FSI), Dehradun, Indira Gandhi National Forest Academy (IGNFA), Dehradun, Directorate of Forest Education (DFE), Dehradun and all matters of Indian Plywood Industries Research and Training Institute (IPIRTI), Bangalore and Indian Institute of Forest Management (IIFM), Bhopal.
5.	Shri Sanjay Kumar, DIGF	T.No.24362416 skumar_ifs@yahoo.co.in Intercom No. 705	NAEB, FDA/NAP (12 States), Policy matters related to afforestation, 20 Point Programme, M&E, Communication & United Nations Convention to Combat Desertification (UNCCD)
6.	Shri Anmol Kumar, DIGF	T.No.24362813 aka6@indiatimes.com Intercom No. 519	Wildlife, Wildlife Regional Offices, world Heritage Convention, National Zoological Park, Central Zoo Authority, National Board of Wildlife, matter relating to International Conservation Union, Convention on Migratory Species, UNESCO.
7.	Shri C.D. Singh, AIGF	T.No.24363984 cdsingh1987@rediffmail.com Intercom No. 523	Forest Conservation {Forest (Conservation) Act, 1980} Forest Advisory Committee
8.	Shri Umakant AIGF,	T.No.24363974 ukant1996@yahoo.co.in Intercom No. 517	Work relating to FPD
9.	Sh. B.K. Singh, AIGF	Intercom No. 525 bksingh38@hotmail.com	Forest Conservation {Forest (Conservation) Act, 1980} Work related to EAP/NE Cell CAMPA
10.	Shri D Jana, AIGF	T.No.24362497 debasisjana2002@rediffmail.com Intercom No. 706	FDA/NAP (10 States), Grants-in-aid for Greening India Scheme, Development of Forest Villages Schemes, Gram Van Yojana Scheme and National Afforestation and Eco-Development Board (NAEB)

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11.	Shri D Jana, AIGF	T.No.24362497 debasisjana2002@ rediffmail.com Intercom No. 706	NAEB, FDAs/NAAP (6 states), Policy matters related to NAP, tree planting on farm lands and CEMDE
12.	Sh. S. P. Yadav, AIGF	Intercom No. 526 spyadavifs@rediffmail.com	Forest Policy
13.	Shri Rajan Sehgal, AIGF	Intercom No. 512 aig rtdiv@yahoo.com	RT
14.	Shri Rajbir Singh, AIGF	Intercom No. 708 rajbir singh ifs@yahoo.com	NAEB, FDA, (9 States), Greening India scheme
15.	Dr. R. Hasan, Director (Scientific)	T.No.24360734 hasan-mef@nic.in Intercom No. 740	Wildlife research, Vulture conservation, Avian Influenza and awards/fellowship
16.	Shri Pramod Krishnan, Jt. Director (WL)	T.No.24361795 jd-wl@nic.in Intercom No. 717	Wildlife, Convention on International Trade on Endangered Species (CITES), Project Elephant, National Parks & Sanctuaries.
17.	Shri Ganga Singh, Jt. Director	T.No.23389883 ganga1965@hotmail.com	All matters relating to National Tiger Conservation Authority (NTCA)
18.	Shri Satish K. Agarwal, Director	skagrawalsatish@yahoo.co.in satish.ka@nic.in Intercom No. 505	Administration & Public Grievance Redressal Cell, Establishment of Regional Offices -Creation and continuation of posts.
19.	Shri Surendra Kumar, Director	T.No.24361613 kr063@ifs.nic.in Intercom No. 116	CP Division Vehicular Pollution
20.	Shri Vijay Kumar, Director (Vig)	T.No.24366841 kravij@yahoo.com Intercom No. 535	Vigilance matters
21.	Shri Chandan Singh, Director	T.No.24360659 chandan.singh@nic.in Intercom No. 616	Forest Establishment, Cadre Management of subordinate staff (Range Officers, Deputy Ranger Officers, Foresters, Forest Guards and Forest Watchers) of the segments under the AGMUT Cadre.
22.	Shri Satish K. Agarwal, Director (Addl. Charge)	satish.ka@nic.in Intercom No. 505	Seervice matters of ACFs, Range Officer, Foresters & Forest Guards from states. National River Conservation Directorate (NRCD)
23.	Shri B. Sikka, Director (Scientific)	T.No.24365020 b sikka@yahoo.com Intercom No. 122	Administration Co-ordination of IC & Training Budget, Annual Plan, Co-ordination of Parliamentary matters/committees, Committees of NRCA, Coordination work of NRCP/GAP including Parliament Questions, Matters of general nature requiring co-ordination, Co-ordination of YAP, Works of publicity, public participation and Media. (i) NRCP Works of U.P., Punjab, H.P., Haryana & Rajasthan (ii) Complete coordination of JICA Study (iii) NLCP works of J & K
24.	Shri Yogesh Sharma, Director (Scientific)	T.No.24366008 Yogesh-mef@nic.in Intercom No. 141	NRCP Works of Kerala, Goa & Uttarakhand and NLCP Works of Uttarakhand.

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25.	Dr. (Mrs.) R. Dalwani, Director (Scientific)	T.No.24364789 r.dalwani@yahoo.com Intercom No. 142	(a) NLCP Coordination and works of NLCP for all States other than J & K, Uttarakhand & West Bengal. (b) R & D Projects. (c) Water Quality Monitoring of Rivers under NRCP including sediments and Analytical Quality Control. (d) Performance Monitoring of STPs
26.	Shri Lalit Kapur, Addl. Director (Scientific)	T.No.24368526 lkapoor2000@yahoo.com Intercom No. 143	NRCP works of Tamil Nadu, Delhi & West Bengal, and NLCP works of West Bengal.
27.	Shri Rajiv Sinha, Addl. Director (Scientific)	T.No.24363869 rsinha54@yahoo.com Intercom No. 133	NRCP works of Gujarat Maharashtra, Bihar, Jharkhand and Andhra Pradesh.
28.	Shri B. B. Barman, Addl. Director (Scientific)	T.No.24363007 Bidhu-mef@nic.in Intercom No. 118	NRCP works of Orissa, North-East States, M.R., Chattishgarh and Karnataka
29.	Dr. S. Kaul, Director (Scientific)	T.No.24360492 26178917(R) kaul52@yahoo.com Intercom No. 602	Ramsar Convention & National Wetlands Conservation Programme, SACON as Centre of Excellence
30.	Shri Vivek Saxena, Director	T.No.24362065 hr062@ifs.nic.in Intercom No. 435	-G.B. Pant Himalayan Institute of Environment Development (GBPHIED) & International Centre for Integrated Mountain Development (ICIMOD) and ACR Cell of IFS Officers & Cadre Management of AGMUT Cadre.
31.	Shri R. K. Sethi, Director	T.No.24362252 rksethi@nic.in Intercom No. 135	Climate Change (CC) (including CDM & UNFCCC), Global Warming & Kyoto Protocol
32.	Dr. Jag Ram, Director (Scientific)	T.No.24367640 jagram@nic.in Intercom No. 739	Control of Pollution (CP) - Environmental Authorities - Eco-cities - Pollution Awards
33.	Dr. J. R. Bhatt, Director (Scientific)	T.No.24363962 jrbhatt@nic.in Intercom No. 546	Coral Reefs & Mangroves except Coastal Regulation Zone (CRZ) notification 1991 as amended subsequently and other related issues thereto, AICOPTAX (All Coordinated Project on Capacity Building in Taxonomy), Central of Excellence at Foundation for Revitalization of Local Health Traditions (FRLHT), Bangalore and Janaki Ammal National Award for Taxonomy
34.	Dr. A Duraiswamy, Director (Scientific)	T.No.24642176 ozone-mef@nic.in	Ozone Cell & Montreal Protocol
35.	Dr. (Mrs.) Ranjini Warrier, Director (Scientific)	T.No.24363964 warrier@nic.in Intercom No. 530	Genetic Engineering Approval Committee (GEAC), Cartagena Protocol on Bio-safety, Capacity Building Project on Bio-safety
36.	Shri Jai Narayan, Director	T.No.24361952 Intercom No. 625 in@ub.nic.in	Hindi (Official language)
37.	Dr. S. K. Agarwal, Director (Scientific)	T.No.24362434 skag@nic.in Intercom No. 545	- Mining projects (Non-Coal) - Thermal Power Projects - Amendments of EIA Notification and related matters

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38.	Dr. P. L. Ahujarai, Director (Scientific)	T.No.24363973 plahujarai@yahoo.com Intercom No. 174	<ul style="list-style-type: none"> - Environmental appraisal of industry (part) projects - Appraisal Committee for Mining (non-coal) - Constitution of SEIAAs and SEACs and follow up/monitoring - Industrial Projects including of oil, Gas and Petroleum and Distilleries sector.
39.	Shri Bharat Bhushan, Director (Scientific)	T.No.24360795 Bhushan-mef@nic.in Intercom No. 516	<ul style="list-style-type: none"> - Construction Projects - Coordination of Parliament related matters, compilation of information for Senior Officers meeting and expenditure statement.
40.	Dr. T Chandni. Director (Scientific)	T.No.24363963 t.chand2003@yahoo.co.uk Intercom No. 172	<ul style="list-style-type: none"> - Environment Impact Assessment of Coal Mining Project - Centre for Excellence Dhanbad - Review of proposals for development of sector specific EIA Manual /Guidelines and release of funds to Institutions
41.	Shri R. C. Meena, Director (EE)	T.No.24360783 rc.meena@nic.in Intercom No. 906	<ul style="list-style-type: none"> - National Green Corps/Eco-clubs - Participation of Ministry and its allied officers in Exhibitions/Fairs - Grant of financial assistance for other awareness programmes - Grant of financial assistance for organization of training programmes.
42.	Dr. Naseem Ahmed, Director (Scientific)	T.No.24363677 naseem552004@yahoo.co.in Intercom No. 927	Eco-system Research Programme & Eastern and Western Ghat Research Programme, Thematic Expert Group (A & B) on Conservation and Sustainable Utilization of Natural Resource.
43.	Shri Ashok Bhatia, Director (Scientific)	T.No.24367625 forabhatia@yahoo.com Intercom No. 552	Environment Research Programme (ERP), Research Proposals related to economic and social environmental issues, Thematic Expert Group on Prevention, Abatement and Control of Pollution & Thematic Expert Group on Economic and Social Issues.
44.	Dr. (Mrs.) Chanda Chaudhary Director (Scientific)	chhandac@yahoo.com Intercom No. 741	Chemical Safety in Maximum Accident Hazard (MAH) Unit
45.	Dr. M. Subba Rao Director (Scientific)	T.No.24361410 wowsubbarao@yahoo.co.in Intercom No. 738	Biomedical Waste Management (Management & Handling) Rules and Standing Committee on Hazardous Waste
46.	Dr. (Mrs) Manju Raina, Addl. Director (Scientific)	T.No.24360270 Mraina99@yahoo.com Intercom No. 117	Control of Pollution (CP) <ul style="list-style-type: none"> - Water Quality, recognition of laboratories and Industrial Pollution
47.	Shri R. N. Jindal, Addl. Director (Scientific)	T.No.24366347 rnjindal@yahoo.com Intercom No. 556	Control of Pollution (CP) <ul style="list-style-type: none"> - Air Pollution and noise pollution - CREP.
48.	Dr. S. Bhowmik, Addl. Director (Scientific)	T.No.24362827 bhowmik@menf.delhi.nic.in Intercom No. 539	Impact Assessment (IA) <ul style="list-style-type: none"> - River Valley Sector (Irrigation & Hydro Electric Project)
49.	Dr. K. C. Rathore; Addl. Director (Scientific)	T.No.24360789 rathore27@yahoo.com Intercom No. 144	Impact Assessment (IA) <ul style="list-style-type: none"> - Construction Projects in Maharashtra and Haryana
50.	Shri S. Jagannathan, Director	T.No.24360678 jsr999@yahoo.com Intercom No. 522	Integrated Finance Division on Environment & NRCD

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51.	Shri A. Aundeeswaran, Supdt Engineer (CCU)	T.No. 24360588 seccu-mef@nic.in Intercom No. 725	Matters concerning/pertaining to Planning and execution of the works of Ministry of Environment & Forests and its Departments, Subordinate Offices and Autonomous Institutions which are entrusted to Civil Construction Unit
52.	Dr. E. V. Muley, Director (Scientific)	T.No. 24364593 evmuley@nic.in Intercom No. 558	Botanical Survey of India (BSI), Zoological Survey of India (ZSI), Botanic Garden of Indian Republic (BGIR)
53.	Shri R. K. Rai, Addl. Director (Scientific)	T.No. 24367669 (O) 2625098 (R) ramakrai@yahoo.com Intercom No. 612	<ul style="list-style-type: none"> - Assistance to Botanic Gardens - Centre of Ecological Sciences - Biodiversity Conservation UNDP Project on Biodiversity Conservation through Community participation
54.	Dr. Sujata Arora, Addl. Director (Scientific)	T.No. 24361601 sujata@nic.in Intercom No. 737	<ul style="list-style-type: none"> - National Bio-diversity Authority (NBA), Convention on Biological Diversity (CBD) & National Bio-diversity Strategy & Action Plan (NBSAP) - Environment Impact Assessment industrial project (part) - Accreditation of Environmental Consultant and coordination with QCI
55.	Dr. P. B. Rastogi, Director (Scientific)	T.No. 24367668 pb.rastogi@nic.in Intercom No. 550	Clean Production/Clean Technology
56.	Dr. M. Salahuddin, Addl. Director (Scientific)	T.No. 24364595 msal2000@hotmail.com Intercom No. 743	Coastal Regulation Zones(CRZ) and Infrastructure Projects
57.	Dr. Senthil Vel, Addl. Director (Scientific)	T.No. 24360694 senthil.vel@nic.in Intercom No. 744	Legal Cell
58.	Shri Ishwar Singh, Sr. Legal Officer	T.No. 24362755 Intercom No. 614 isingh1010@yahoo.co.in	
59.	Dr. Saroj, Director (Scientific)	T.No. 24364067 sarojmoef@yahoo.com Intercom No. 751	<ul style="list-style-type: none"> - HSMD - Basel Convention - Hazardous Waste (Management & Handling) Rules, Batteries (Management & Handling) Rules, Basel Convention on control of transboundary movement of hazardous waste
60.	Mrs. Sujata Khaparde, Addl. Director (Scientific)	T.No. 24360379 sujata mk@yahoo.com Intercom No. 557	<ul style="list-style-type: none"> - Centre for Environment Education, Ahmedabad - CPR Environmental Education Centre, Cheenai - Setting up new Centres of Excellence - National Environment Awareness Campaign (NEAC) - Global Learning and Observations to Benefit the Environment (GLOBE) Programme - Formal Environment Education including Coordination with MHRD, NCERT and State Education Departments - Strengthening of Environment in Professional courses - Environmental Appreciation courses through IGNOU.

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61.	Mrs. Rita Khanna, Addl. Director (Scientific)	T.No. 24367664 rita khanna2000@yahoo.com Intercom No. 176/173	<ul style="list-style-type: none"> - Grant of financial assistance for Seminars/ Symposia/Workshops - Grants-in-aid to Professional Societies/ Institutions - Grant of financial assistance for publications on Environment - All work related to Library
62.	Dr. A. K. Tyagi, Addl. Director (Scientific)	T.No. 24367670 Intercom No. 609	Pitamber Pan National Environment Fellowship. Dr. B. P. Pal National Environment Fellowship for Biodiversity, Thematic Expert Group on Conservation and Management of Wildlife and Animal Welfare
63.	Dr. R. K. Suri, Addl. Director (Scientific)	T.No. 24361668 rk.suri@yahoo.co.uk Intercom No. 913	NNRMS Programme
64.	Sh. Anjani Kumar, Director (A.W)	T.No. 23318553 anjani.moef@yahoo.com	<ul style="list-style-type: none"> - Animal Welfare including Animal Welfare Board matters in the MoEF
65.	Ms. S. V. Auluck, Director	T.No. 24367685 Intercom No. 538 sunita50@yahoo.com	<ul style="list-style-type: none"> - Evaluation of the monitoring reports submitted by the Regional Offices - Technical appraisal of the biannual reports received from project proponents - Coordination activities, including the internal meetings of IA Division - Monthly D. O. to Cabinet Secretary, RTI matters and internal cord Meeting
66.	Mrs. Sanchita Jindal Addl. Director	T.No. 24360488 Intercom No. 752 sanchita@nic.in	Hazardous Substances Management Division (HSMD)
67.	Sh. H. S. Malviya, Addl. Director	Intercom No. 175 hsmalviya@gmail.com	IA-matter related to industry sector. EIA notification-policy
68.	Shri Satish Gargoti, Addl. Director	Intercom No. 551 satish1962@yahoo.com	IA-Mining project
69.	Dr. H. Ahmed, Addl. Director	T.No. 24361669/123 hahmad2000@yahoo.com	NRCD-matter
70.	Dr. S. V. Reddy Addl. Director	Intercom No. 753 svreddy1950 2000 @yahoo.com	<ul style="list-style-type: none"> - Annual Report - Man and Biosphere Reserves Programme
71.	Dr. M. Hota, Addl. Director	Intercom No. 914 hota@nic.in T.No. 24367663	<ul style="list-style-type: none"> - Matter relating to Foundation of Revitalization of Local Health Tradition (FRLHT) - UNDP Projects on medicinal plants - Coordination on medicinal plants other Divisions of the Ministry
72.	Dr. R. K. Pathak, Tech. Director	Intercom No. 611 rkpathak@nic.in	NIC
73.	Shri Sameer Srivastava, DS (IC-II)	T.No. 24362612 sameer.ks@nic.in Intercom No. 603	International Cooperation (IC & SD II)
74.	Ms Pratibha Raj, Dy. Secretary (PC and T & E)	T.No. 24366739 pratibha.raj@nic.in Intercom No. 745	Regional Offices (HQs)
75.	Smt. S. Ghosh Roy, Dy. Secretary	T.No. 24360772 Intercom No. 707 Saheli.ghosh@nic.in	<ul style="list-style-type: none"> - Environment Policy and Law & Sustainable Development & International Cooperation

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76.	Ms. Dias Ermelinda Maria J, Dy. Secretary	T. No. 24360667 Maria.dias@nic.in Intercom No. 610	Eco-Development Forces Schemes, IPVM Awards, NE Cell, E-governance, National Afforestation and ECO Development Board (NAEB)
77.	Sh. Narain Dass, Dy. Secretary	Intercom No. 527 dassnarain@yahoo.com	General Coordination, Right to Information Act (RTI) & Internal Work Study Unit
78.	Dr. Uday Shankar, Director (IFD)	T. No. 24362387 drudayshankar@gmail.com Intercom No. 917	Integrated Finance Division on Forests, NAEB & Wildlife
79.	Sh. A. K. Lal Director	T. No. 24367077 Intercom No. 431 aklal87@gmail.com	Cadre Management of Indian Forest Service (IFS), except AGMUT Cadre
80.	Sh. C. L. Langain, Dy. Secretary	T. No. 24360769 Intercom No. 604	NGO Cell
81.	Dr. Dilip Kumar, Controller of Accounts	T. No. 24361116 drdk0000@yahoo.co.in Intercom No. 157.	Scrutiny of budget proposals <ul style="list-style-type: none"> - Preparation of budget estimates - Interaction with Plan Coördination regarding Plan Budget. - Scrutiny of proposals for inclusion in Supplementary Demands for grants. - Processing of Re-appropriation proposals both within the Powers of Ministry and beyond the Powers of Ministry. - Preparation and Printing of Demands for Grants. - Submission of Action Taken Notes on Draft/ Audit paras. - Scrutiny and allocation of funds under loans to Government Servants. - Disbursal of salaries and other allowances - Disbursal of Grants-in-aid - Taking out periodical expenditure statement etc.
82.	Ms. Gur Pyari, Addl. Adviser (Eco)	T. No. 24368843 Intercom No. 925 gurpyari@nic.in	Economic Cell, Member <ul style="list-style-type: none"> - Secretary, Cell on Sexual Harassment Women against
83.	Sh. Agrim Kaushal, Dy. Secretary	Intercom No. 704 agrim.k@nic.in	Trade and Environment, PC Division
84.	Shri Pankaj Garg, Dy. Secretary	Intercom No. 918 pankaj.garg@nic.in	General administration (GA), Parliament and Protocol
85.	Shri S. K. Jain, Dy. Secretary	Intercom No. 617 suyashjain 2011@yahoo.com	NAEB Administration and Development of Forest Villages
86.	Shri Neeraj Khatri, Dy. Director	Intercom No. 146 neerajkhatri@hotmail.com	<ul style="list-style-type: none"> - Ecologically Sensitive Areas - Matters relating to fly ash - Environmental Health
87.	Smt. Malti Rawat, Under Secretary	Intercom No. 510	FE, NMNH -Cell

II. Officers of the level of Joint Secretary/IGF/Advisor designated as Appellate Authorities under Section 19(1) of the above Act.

S. No.	Designation	Tele. No.	Subject Matter
1	2	3	4
I.	Shri Bharat Bhushan, Joint Secretary & FA	Intercom No. 437 bharatbhushan@mit.gov.in	<ul style="list-style-type: none"> - Examination and Concurrence of SFC/EFC/ CCEA proposals of the Ministry. - Deputation abroad.

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			<ul style="list-style-type: none"> - Release of Grants-in-aid - Financial matters of the Ministry - Remuneration received by Officers and employees. - Preparation and Printing of Demands for Grants. - Submission of Action Taken Notes on Draft/ Audit paras.
2.	Shri Rajani Ranjan Rashmi, Joint Secretary	Intercom No.408 rr.rashmi@nic.in	Climate Change (CC) (including CDM & UNFCCC)
3.	Sh. R. K. Vaish, Joint Secretary	T. No. 24360634 vaishrk@nic.in Intercom No.415	Control of Pollution (CP), Hazardous Substances Management Division (HSMD), CPCB Administration.
4.	Sh. Sudhir Mital, Joint Secretary	T. No. 24363956, 23314932 mital.sudhir@nic.in Intercom No.414	International Cooperation (IC & SDII) (excluding 'State of Environment' reports), Global Environment Facility (GEF), Vigilance, National Museum of Natural History (NMNH), Environment Policy and Law, inc. Legal Cell, Sustainable Development & International Cooperation, United Nations Convention to Combat Desertification (UNCCD), Media.
5.	Dr. B. P. Nilaratna, Joint Secretary	T. No. 24361712 jsbpn-mef@nic.in Intercom No. 422	Coral Reefs, Mangroves, Foundation of Revitalization of Local Health Tradition (FRLHT), Ozone Cell & Montreal Protocol, CES/IISc, Bangalore, Hindi (Official language).
6.	Shri A. K. Goyal, Joint Secretary	T. No. 24361774 akg@nic.in Fax No. 24367009 Intercom No.440	General Administration & Parliament/Protocol, Administration & Public Grievance Redressal Cell, Establishment of Regional Offices, General Coordination, RTI & Internal Work Study Unit, Botanical Survey of India (BSI), Zoological Survey of India (ZSI), E-Governance, Salim Ali Centre for Ornithology and Natural History (SACON), Biosafety including Cartagena Protocol, Genetic Engineering Approval Committee (GEAC), National Bio-diversity Authority (NBA) National Bio-diversity Strategy & Action Plan (NBSAP), Convention on Biological Diversity (CBD), Wetlands and Ramsar Convention.
7.	Shri H. K. Pande, Joint Secretary	T. No. 24362551 hempande@hotmail.com Fax No. 24360894	Administration of India Forest Service, Forest Establishment, IUCN-The World Conservation Union, G. B. Pant Institute of Himalayan Environment and Development (GBPHED), International Centre for Integrated Mountain Development (ICIMOD), Man and Biosphere Reserve Programme (MABP), Bio-diversity Conservation, Animal Welfare.
8.	Shri M. Sengupta, Adviser	T. No. 9871738714, 24369629 msen2k@lycos.com manotosh.sengupta @yahoo.com Intercom No. 548	National River Conservation Directorate (NRCD), National Lake Conservation Plan (NLCP), Clean Production/Clean Technology.
9.	Dr. Subodh Kumar Sharma, Adviser	T. No. 24360861 subodh.kumar@nic.in Intercom No. 112	National Communications (NATCOM) <ul style="list-style-type: none"> - IPCC (Inter-Governmental Panel on Climate Change) & all other Scientific/Technical works related to Climate Change.

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10.	Dr. G. K. Pandey, Adviser	T. No. 24360467 pandey@menf.delhi.nic.in Intercom No. 531	Environmental Health, World Bank Industrial, Development Capacity Project, Impact Assessment relating to Thermal Power & Building Construction Sectors, Impact Assessment of Coal Mining Sector.
11.	Shri R. Mehta, Adviser	T. No. 24362840 rmehta@nic.in Intercom No. 543	Rotterdam Convention, Strategic Approach to International Chemicals Management (SAICM), National Disaster Management Authority (NDMA), Chemical Disaster (including Hazardous Chemicals Management), Municipal Solid Waste Management, MSHIC Rules, Chemical Accident Rules and Chemical safety, Stockholm Convention (Effective Evaluation & POPs Review Committee), Plastic Manufacture & Usage Rules, Implementation of MSW Rules, Public Liability Insurance and related court matters, Heavy metals including Mercury.
12.	Shri R. S. Ahlawat, Economic Adviser	T. No. 24362663 rsahlawat-mef@nic.in Intercom No. 908	Environmental Education (including Library), Global Public Goods.
13.	Dr. S. P. Sharma, Statistical Adviser	T. No. 24363021 sprasad.sharma@nic.in Intercom No. 103	Plan Coordination, Economic Cell, Trade & Environment: - Budget proposals & Budget Estimates - Scrutiny of budget proposals & Preparation of budget estimates, including budget proposals for supplementary grants. - Processing of Re-appropriation proposals both within the Powers of Ministry and beyond the Powers of Ministry.
14.	Dr. Nalini Bhatt, Adviser (Scientific)	T. No. 24360478 nalini.bhat@nic.in Intercom No. 541	Annual Report of the MoEF, 'State of Environment Reports Environmental Information (excluding Indira Gandhi Paryavaran Puraskar), Statistical Cell, NGO Cell.
15.	Dr. R. B. Lal, IGF	T. No. 24360740 lgfwl-mef@nic.in Intercom No. 106	Impact Assessment relating to Industry sector, Infrastructure, River Valley, Mining Sectors and Coastal Regulation Zones (CRZ), Source Apportionment Studies and Male Declaration.
16.	Shri K. B. Thampi, IGF	T. No. 24367404 kbthampi-mef@nic.in Intercom No. 710	Wildlife, WL ROs, CITES, National Parks & Sanctuaries, WHC, NZP, CZA, NBWLF, CMS, UNESCO, Wildlife.
17.	Shri Ansar Ahmed, IGF (FC)	T. No. 24362698 ansarahmed51@yahoo.com Intercom No. 115	NAEB, FDAs/NAP (28 States), Policy matters related to afforestation, grants-in-aid for Greening India Scheme, Eco-developments schemes and other NAEB Schemes, M & E and IPVM Awards. Nodal Officer for Non-timber Forest Produce.
18.	Shri Ansar Ahmed, IGF (EAP)	T. No. 24362698 ansarahmed51@yahoo.com Intercom No. 115	Forest Conservation (FC), Regional Officers (ROs), Forestry Research and Training & Forest Policy. EAP Cell & NE Cell, Forest Conservation.
19.	Shri A. N. Prasad, IGF & Director (PE)	T. No. 24360957 gajendra@nic.in Intercom No. 113	Externally Aided Projects (EAP), Survey and Utilization (SU) & Forest Protection Division (FPD)
			Project Elephant, Wildlife Institute of India and Wildlife Crime Cell.

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20.	Shri Rajesh Gopal, IGF & Director (PT)	T. No. 23384428 dirpt-r@nic.in	All matters relating to National Tiger Consrvation Authority (NTCA).
21.	Shri B. R. Sharma, Member Secretary, CZA	T. No. 23381585 cza@nic.in	Central Zoo Authority, National Zoological Park, Survey & Utilization, Forest Protection Division & JFM Cell, Forest Policy, NFAP, FIC, Forests Research & Training & NFC.
22.	Shri A. K. Trivedi, Chief Engineer (CCU)	T. No. 24360643 Fax 24363422 Email ceccu@nic.in Intercom No. 728	Planning and construction works like office buildings, Laboratory buildings, residential quarters, Herbarium, Museums, and Landscaping of subordinate offices of the Ministry.
23.	Dr. G. V. Subrahmaniam, Adviser (Scientific)	T. No. 24364594 gvs moef2005@yahoo.co.in Intercom No. 601	Research in Environment (RE), Fly Ash, Ecologically sensitive areas, Assistance to Botanical Gardens, All India Coordinated Project on Capacity Building in Taxonomy (AICOPTAX), Entities of Incomparable Value Regulations, Addl. Charge of Director (NMNII)
24.	Sh. S. S. Gahlot, Senior Tech. Dir.	T. No. 24305326 gahlot@nic.in	NIC

III. All Officers in possession of information and dealing with the matters above will be de-facto PIOs.

IV. The arrangement of designating Link Officers in the Ministry will also be applicable to the Appellate Authorities/CPIOs for dealing with matters under the RTI Act.

V. This supersedes the earlier notification No. 1/2/2007-RC dated 10th June, 2008 of this Ministry.

[No. 1/2/2007-RC]

A. K. GOYAL, Jt. Secy.

रसायन एवं उर्वरक मंत्रालय

(उर्वरक विभाग)

नई दिल्ली, 30 जुलाई, 2008

का. आ. 2232.—केन्द्रीय सरकार, राजभाषा संघ के शासकीय प्रयोजनों के लिए प्रयोग नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में रसायन एवं उर्वरक मंत्रालय, उर्वरक विभाग के प्रशासनिक नियंत्रणाधीन दि. फर्टिलाइजर्स एण्ड केमिकल्स ट्रावनकोर लिमिटेड, उद्योगमण्डल, कोचीन (फैक्ट), के निम्नलिखित कार्यालयों जिनके 80 प्रतिशत कर्मचारियों ने हिन्दी का कार्यालयक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :—

1. दि. फर्टिलाइजर्स एण्ड केमिकल्स ट्रावनकोर लिमिटेड, क्षेत्रीय कार्यालय, बैंगलूरु।
2. दि. फर्टिलाइजर्स एण्ड केमिकल्स ट्रावनकोर लिमिटेड, क्षेत्रीय कार्यालय, हैदराबाद।
3. दि. फर्टिलाइजर्स एण्ड केमिकल्स ट्रावनकोर लिमिटेड, क्षेत्रीय कार्यालय, विजयवाडा।

[सं. ई-11011/1/2006-हिन्दी]

सतीश चन्द्र, संयुक्त सचिव

MINISTRY OF CHEMICALS AND FERTILIZERS

(Department of Fertilizers)

New Delhi, the 30th July, 2008

S. O. 2232.—In pursuance of Sub-Rule (4) of the Rule 10 of the Official Language “Use for Official Purposes of the Union Rule, 1976 the Central Government hereby notifies the following offices of the Fertilizers and Chemicals Travancore Limited, Udyogmandal, Cochin under the administrative control of the Ministry of Chemicals & Fertilizers. Department of Fertilizers whereof 80% staff have acquired the working knowledge of Hindi :—

1. The Fertilizers and Chemicals Travancore Limited, Area Office, Bangalore.
2. The Fertilizers and Chemicals Travancore Limited, Area Office, Hyderabad.
3. The Fertilizers and Chemicals Travancore Limited, Area Office, Vijayvada.

[No. E-11011/1/2006-Hindi]

SATISH CHANDRA, Jt. Secy.

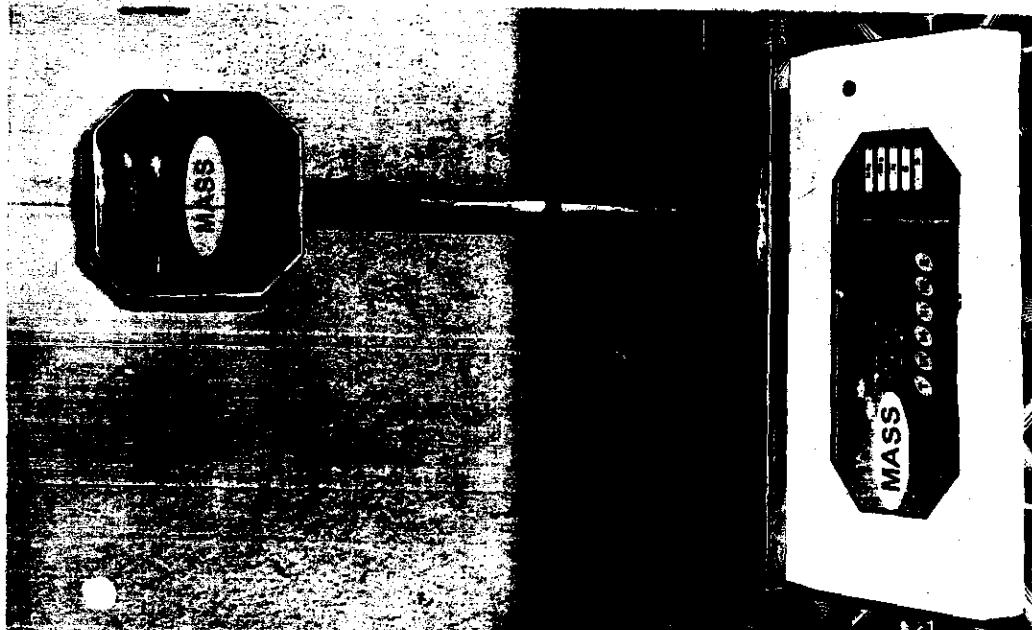
उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 5 मार्च, 2008

का.आ. 2233.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स मास वेइंग सिस्टम्स, # नं. 10/4, 39वीं स्ट्रीट थिलाई गंगा नगर, नंगनाल्टुर, चैन्नई-600 061 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एम डब्ल्यू एम-टीबी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम “मास” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/159 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबलटॉप प्रकार) का तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टार्मिंग प्लेट के भुद्राकंक के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सोलबन्ड भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी विनिर्माता द्वारा उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(70)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 5th March, 2008

S.O. 2233.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Tabletop type) weighing instrument with digital indication of "MWS-TB" series of medium accuracy (Accuracy Class-III) and with brand name "MASS" (herein referred to as the said model), manufactured by M/s. Mass Weighing Systems, # No. 10/4, 39th Street Thillai Ganga Nagar, Nanganallur, Chennai—600 061 and which is assigned the approval mark IND/09/07/159;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its materials, accuracy, design, circuit diagram, working principle etc. before or after sale.

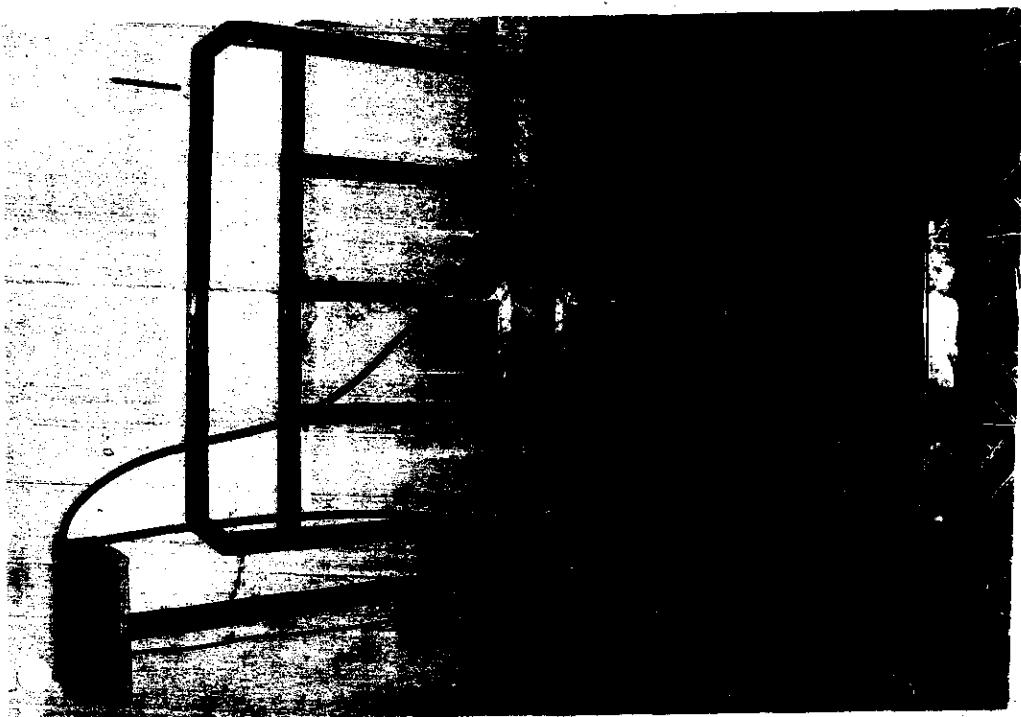
Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (70)/2007]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 5 मार्च, 2008

का.आ. 2234.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्युक्तों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स मास वेइंग सिस्टम्स, # नं. 10/4, 39वीं स्ट्रीट थिलाई गंगा नगर, नंगनाल्लुर, चैन्नई-600 061 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एम डब्ल्यू एस-पी टी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “मास” है (जिसे इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/160 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनामक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डॉयोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

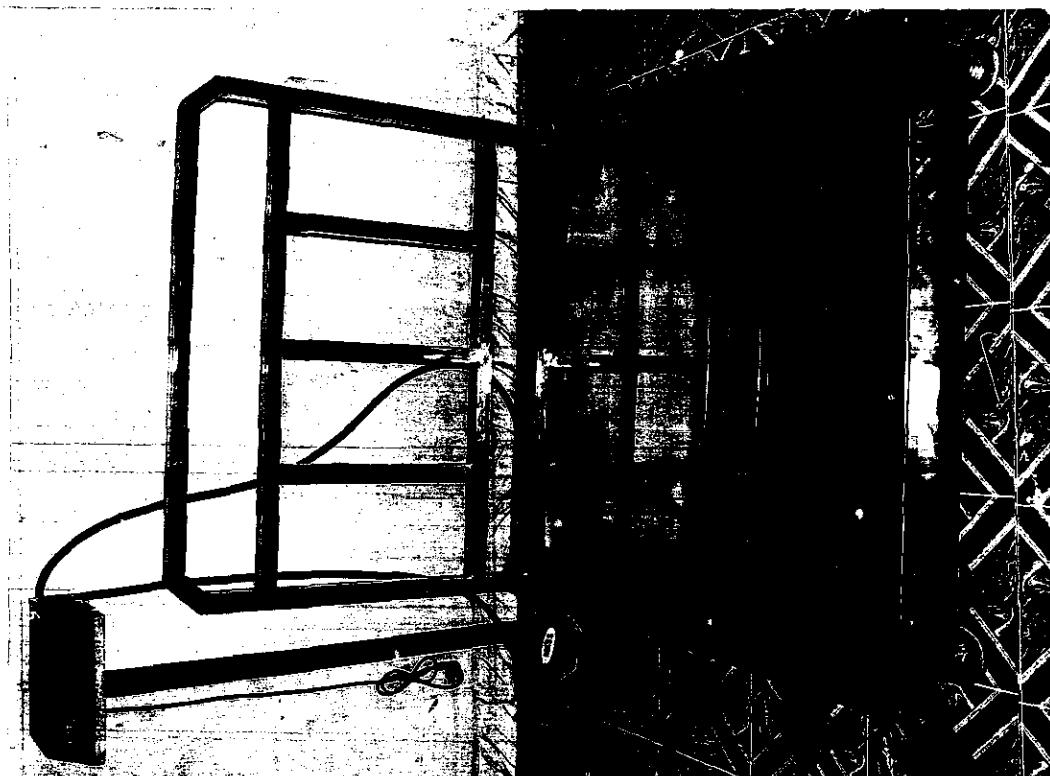
और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^k , 2×10^k या 5×10^k , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एस-21(70)/2007]
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th March, 2008

S.O. 2234.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "MWS-PT" series of medium accuracy (Accuracy Class-III) and with brand name "MASS" (herein referred to as the said model), manufactured by M/s. Mass Weighing Systems, # No. 10/4, 39th Street Thillai Ganga Nagar, Nanganallur, Chennai—600 061 and which is assigned the approval mark IND/09/07/160;



The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 1000kg. and minimum capacity of 4 kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its materials, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50kg. and up to 5000kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

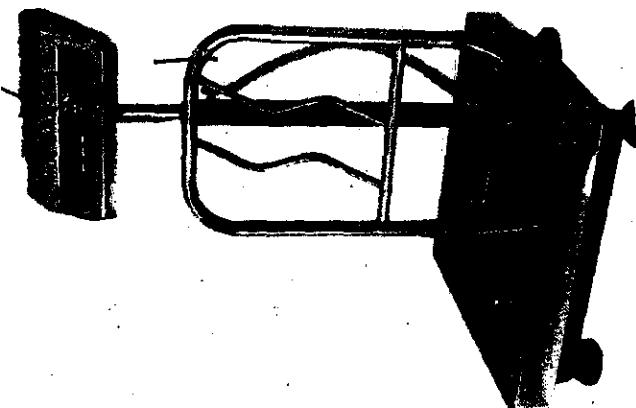
[F. No. WM-21 (70)/2007]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 5 मार्च, 2008

का.आ. 2235.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप यानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप यानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स सोनल डिजी स्केल अमरेली रोड, नीर रीवर बैंक, सावरकुण्डला-364515 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एस पी एस-1000” शृंखला के स्वतः सूचक, अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राइंड का नाम “सोनल” है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/376 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनामक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टार्टिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खालने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के, “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^8 , 2×10^8 या 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(131)/2007]

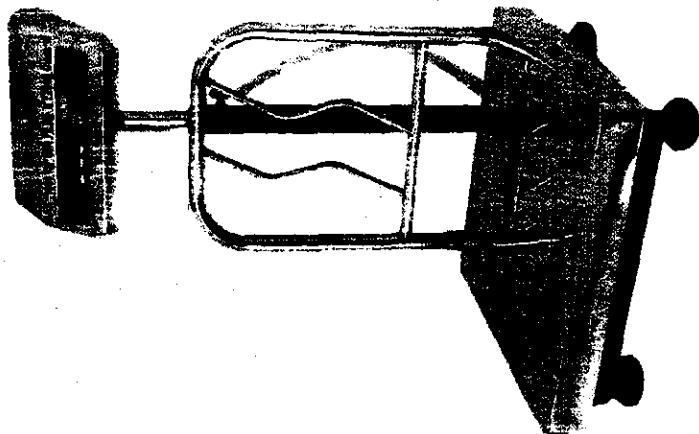
आर. माधुराबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th March, 2008

S.O. 2235.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "SPS-1000" series of medium accuracy (Accuracy Class-III) and with brand name "SONAL" (herein referred to as the said model), manufactured by M/s. Soanal Digi Scale, Amreli Road, Near River Bank, Savarkundala-364 515 and which is assigned the approval mark IND/09/07/376;

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 1000 kg. and minimum capacity of 4 kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its materials, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50kg and up to 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (131)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 5 मार्च, 2008

का.आ. 2236.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स सोनल डिजी, स्केल अमरेली रोड, नीयर रीवर बैंक, सावरकुण्डला-364515 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एस एसटी-030" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्राइंड का नाम "सोनल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/374 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित (टेबल टाप) प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खालने से रोकने के लिए सीलबन्द भी किया जाएगा और माडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्राम तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5.ग्रा. या उससे से अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्र. की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

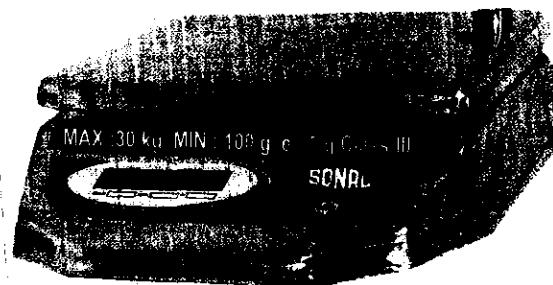
[फा. सं. डब्ल्यू एम-21(131)/2007]
आर. मुरुबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th March, 2008

S.O. 2236.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "SPT-030" series of medium accuracy (accuracy Class-III) and with brand name: "SONAL" (herein referred to as the said model), manufactured by M/s. Soanal Digi Scale, Amreli Road, Near River Bank, Savarkundala-364 515 and which is assigned the approval mark IND/09/07/374;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100 g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its materials, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg, with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100 mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

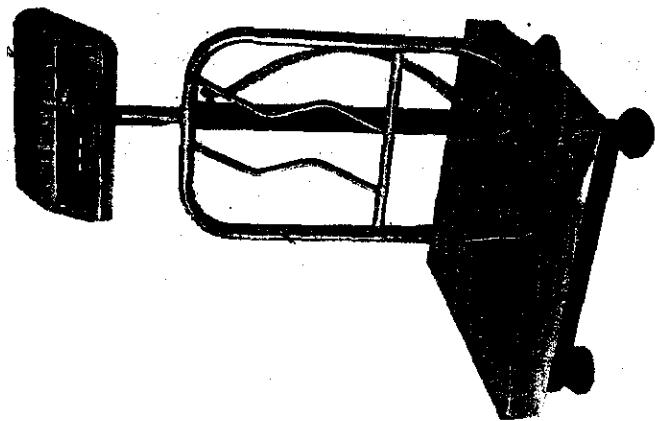
[F. No. WM-21 (131)/2007]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 5 मार्च, 2008

का.आ. 2237.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्झ सोनल डिजी, स्केल अमरेली रोड, नीयर रीवर बैंक, सावरकुण्डला-364 515 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग 11) वाले “एस डी पी-1000” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (स्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम “सोनल” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/375 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित तोलन उपकरण (स्लेट फार्म प्रकार का) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 5 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग स्लेट के मुद्रांकन के अतिरिक्त भशीन को कपटपूर्ण व्यवहारों के लिए खालने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक के “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे से अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(131)/2007]

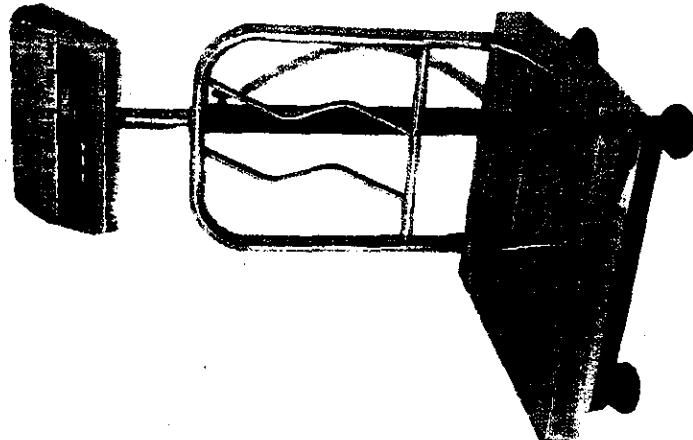
आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th March, 2008

S.O. 2237.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "SDP-1000" series of high accuracy (Accuracy Class-II) and with brand name "SONAL" (herein referred to as the said model), manufactured by M/s. Sonal Digi Scale, Amreli Road, Near River Bank, Savarkundala-364 515 and which is assigned the approval mark IND/09/07/375;

The said model is a strain gauge type load cell based non-automatic weighing instrument Plat form type with a maximum capacity of 1000kg. and minimum capacity of 5kg. The verification scale interval (c) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity range above 50 kg. and up to 5000 kg. and with number of verification scale interval (n) in the range of 5000 to 50000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design accuracy and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (131)/2007]

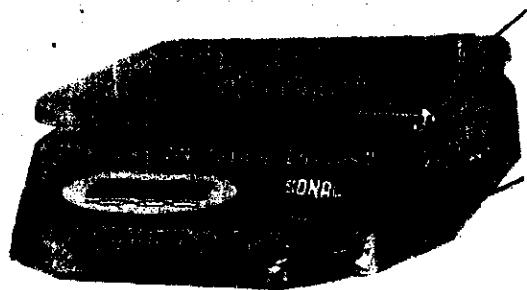
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 5 मार्च, 2008

का.आ. 2238.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स सोनल डिजी, स्केल अमरेली रोड, नीयर रीवर बैंक, सावरकुण्डला-364 515 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "एस डीटी-030" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "सोनल" है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/373 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खालने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के दैरेसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(131)/2007]

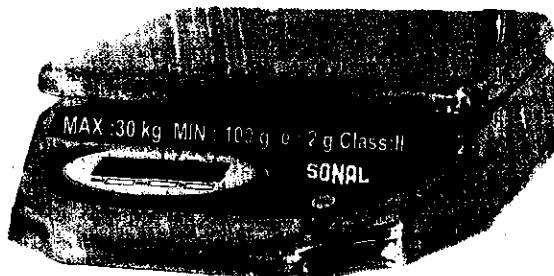
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th March, 2008

S.O. 2238.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Platform type) weighing instrument Table top type with digital indication of "SDT-030" series of high accuracy (Accuracy Class-II) and with brand name "SONAL" (herein referred to as the said model), manufactured by M/s. Sonal Digi Scale, Amreli Road, Near River Bank, Savarkundala-364 515 and which is assigned the approval mark IND/09/07/373;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top Type) with a maximum capacity of 30kg. and minimum capacity of 100 g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its materials, accuracy, design, circuit diagram, working principle etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50 kg. and with number of verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1 mg to 50 mg. and with number of verification scale interval (n) in the range 5000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

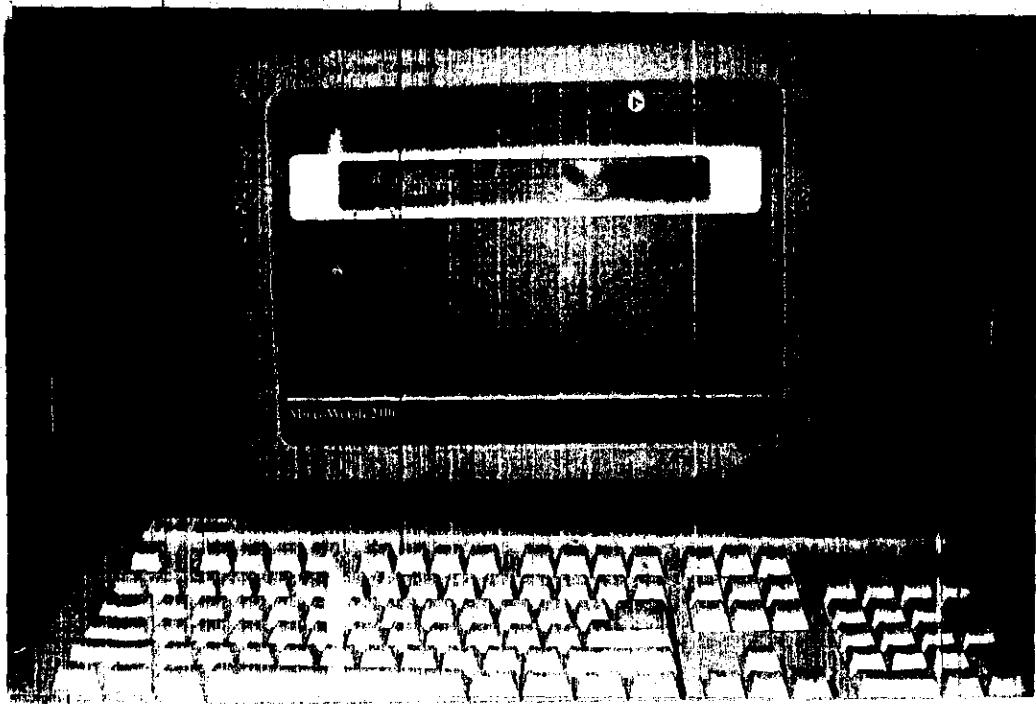
[F. No. WM-21 (131)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 20 जून, 2008

का.आ. 2239.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में विभिन्न मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स डिजिटल वेगिंग सिस्टम्स (प्रा.) लि. प्लाट नं. पी 1 बी एण्ड सी. पी-2, इंडस्ट्रियल एरिया, तिप्पा, बिलासपुर (छत्तीसगढ़)-495223 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) "एम डब्ल्यू एस-2100" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेगब्रिज टाईप) और जिसके ब्राण्ड का नाम "डिजीटल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन निह आई एन डी/09/07/242 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित तोलन उपकरण (वेगब्रिज टाईप) है। इसकी अधिकतम क्षमता 50 टन है और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टेपिंग स्टेट को सील करने के अलावा गलत अनुप्रयोगों को रोकने के लिए भी मशीन को सील किया जाएगा। मॉडल की सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य करने के सिद्धांत आदि की शर्तों में बिक्री से पहले अथवा बाद में कोई परिवर्तन नहीं किया जाना चाहिए।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. अथवा उससे अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 200 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

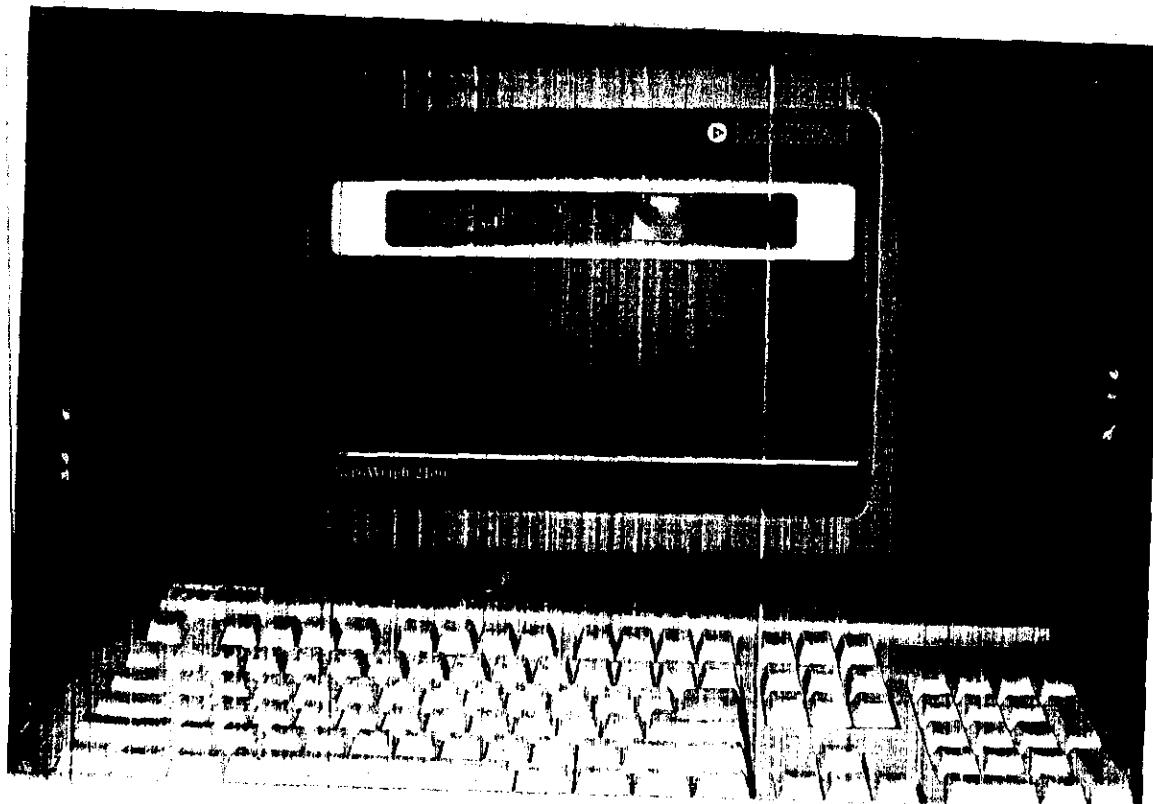
[फा. सं. डब्ल्यू एम-21(105)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th June, 2008

S.O. 2239.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (weigh bridge type) with digital indication of MWS-2100 series belonging to medium accuracy (Accuracy Class-III) and with brand name "DIGITAL" (herein referred to as the said model), manufactured by M/s. Digital Weighing Systems (P) Ltd., Plot No. P 1 B and C, 1 P-2, Industrial Area, Tifra, Bilaspur (CG)-495223 and which is assigned the approval mark IND/09/07/242;



The said model is a strain gauge type load cell based non-automatic weighing instrument (weigh bridge type) with a maximum capacity of 50 tonne and minimum capacity of 200kg. The verification scale interval (e) is 10 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its materials, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make accuracy and performance of same series with maximum capacity above 5 tonne and upto 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model have been manufactured.

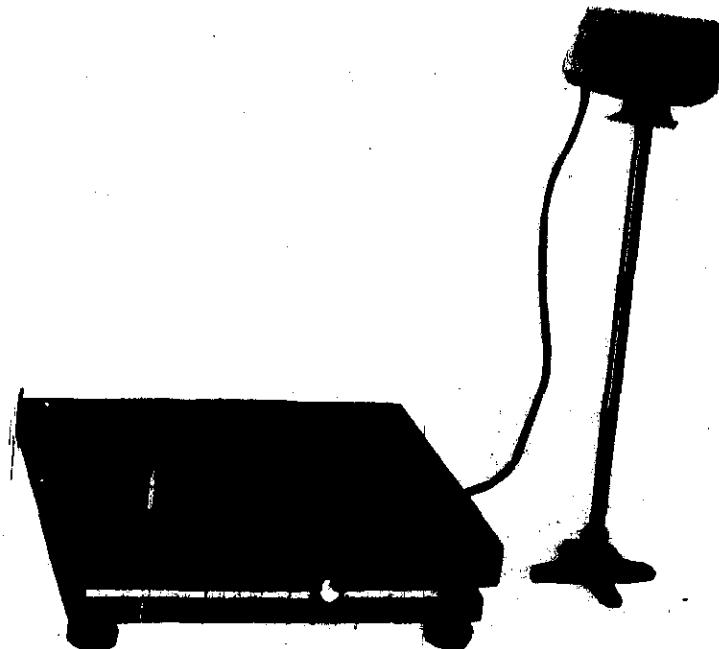
[F. No. WM-21 (105)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 20 जून, 2008

का.आ. 2240.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स चन्द्रकान्त डिजीटल स्केल कम्पनी, चाव्हन 12-5/16, एस.बी. मार्ग, लॉबर पारेल वेस्ट, मुम्बई-400013, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) के “सीएस-1टी” शृंखला के अंकक सूचन सहित, स्वतः सूचक व अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) और जिसके ब्राण्ड का नाम “चन्द्रकान्त डिजीटल स्केल कम्पनी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है), जिसे अनुमोदन चिह्न आई एन डी/09/07/321 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मायमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अलावा गलत अनुप्रयोगों को रोकने के लिए भी मशीन को सील किया जाएगा। मॉडल की सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य करने के सिद्धांत आदि की शर्तों में बिक्री से पहले अथवा बाद में कोई परिवर्तन नहीं किया जाना चाहिए।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेंक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम अथवा उससे अधिक के “ई” मान के लिए 500 से 10,000 की रेंज में सत्यापन मायमान अंतराल (एन) की संख्या सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^8 , 2×10^8 या 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

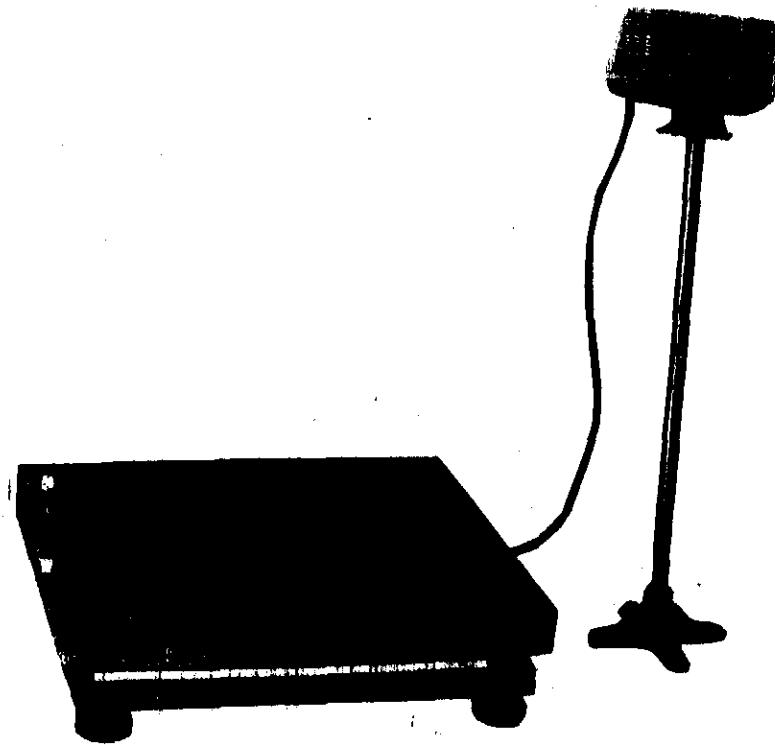
[फा. सं. डब्ल्यू एम-21(133)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th June, 2008

S.O. 2240.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "CS-11" series of medium accuracy (Accuracy Class-III) and with brand name "CHANDRAKANT DIGITAL SCALE CO." (herein referred to as the said model), manufactured by M/s. Chandrakant Digital Scale Co., Chawli 12-5/16, S. B. Marg, Lower Parel West, Mumbai-400013, Maharashtra and which is assigned the approval mark IND/09/07/321;



The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 1000 kg and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its materials, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 kg and up to 5000 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

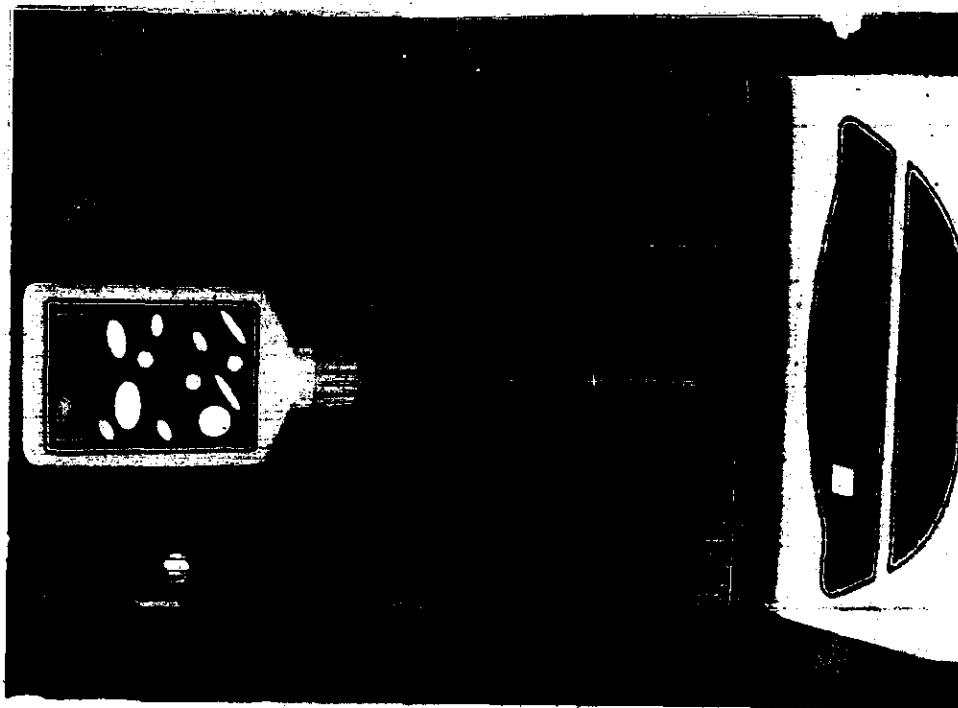
[F. No. WM-21 (133)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 20 जून, 2008

का.आ. 2241.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई चारूकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स चन्द्रकान्त डिजीटल स्केल कम्पनी, चाव्स 12-5/16, एस.बी. मार्ग, लॉकर पारेल वेस्ट, मुम्बई-400 013, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “सीटीएस-30 के” शृंखला के अक्क सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम “चन्द्रकान्त डिजीटल स्केल कम्पनी” है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/319 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। उपकरण की पठनीयता 1 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टेम्पिंग प्लेट को सील करने के अलावा गलत अनुप्रयोगों को रोकने के लिए भी मणीन को सील किया जाएगा। मॉडल की सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य करने के सिद्धांत आदि की शर्तों में बिक्री से पहले अथवा बाद में कोई परिवर्तन नहीं किया जाना चाहिए।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्राम से 2 ग्राम के “ई” मान के लिए 100 से 10,000 की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. अथवा उससे अधिक के “ई” मान के लिए 500 से 10,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूणीक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(133)/2007]

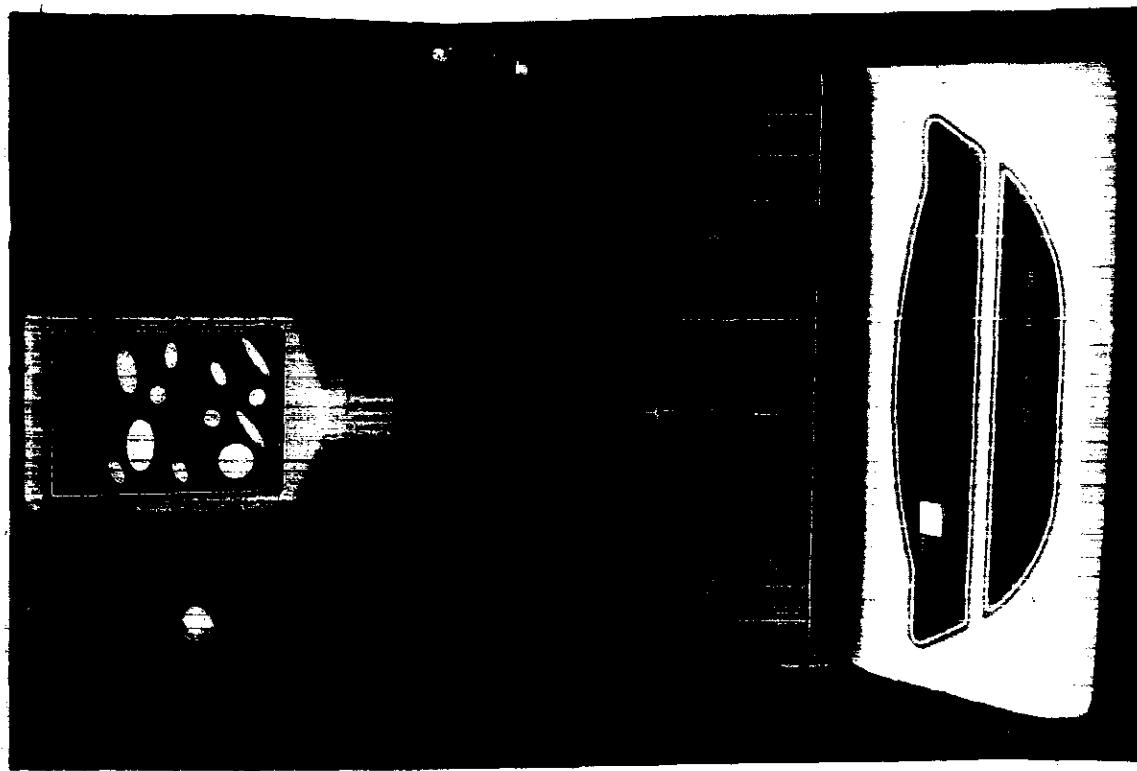
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, 20th June, 2008

S.O. 2241.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "CTS-30k" series of medium accuracy (Accuracy class-III) and with brand name "CHANDRAKANT DIGITAL SCALE CO." (herein referred to as the said model), manufactured by M/s. Chandrakant Digital Scale Co., Chawl 12-5/16, S. B. Marg, Lower Parel West, Mumbai-400 013, Maharashtra and which is assigned the approval mark IND/09/07/319;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top Type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. The readability of the instrument (d) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternating current power supply.



In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. N. : W.M-21 (133) 2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 20 जून, 2008

का.आ. 2242.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए मैसर्स चन्द्रकान्त डिजीटल स्केल कम्पनी, चाव्ल 12-5/16, एस.बी. मार्ग, लॉवर पारेल वेस्ट, मुम्बई-400 013, महाराष्ट्र द्वारा विनिर्मित विशिष्ट यथार्थता (यथार्थता वर्ग- 1) के 'सी-ए-123' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) और जिसके ब्राण्ड का नाम 'चन्द्रकान्त डिजीटल स्केल कम्पनी' है (जिसे इसके पश्चात् उक्त मॉडल कहा गया है), जिसे अनुमोदन चिह्न आई एन डी/09/07/320 समनुदर्शित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;



उक्त मॉडल एक इलेक्ट्रो मैग्नेटिक फोर्स कम्पनसेशन प्रिंसिपल पर आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 120 ग्रा. है और न्यूनतम क्षमता 100 मि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 1 मि. ग्रा. है। उपकरण (डी) की पठनीयता 1 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है, जिसका शत प्रतिशत व्यक्लनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश सुसर्वेक डायोड (एल ई डी) तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अलावा गलत अनुप्रयोगों को रोकने के लिए भी मशीन को सील किया जाएगा। मॉडल की सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य करने के सिद्धांत आदि की शर्तों में बिक्री से पहले अथवा बाद में कोई परिवर्तन नहीं किया जाना चाहिए।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. अथवा उससे अधिक के "ई" मान के लिए 50 कि.ग्रा. और सत्यापन मापमान अंतराल (एन) की संख्या के बराबर अथवा 50,000 से अधिक बाते हैं और "ई" मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(133)/2007]

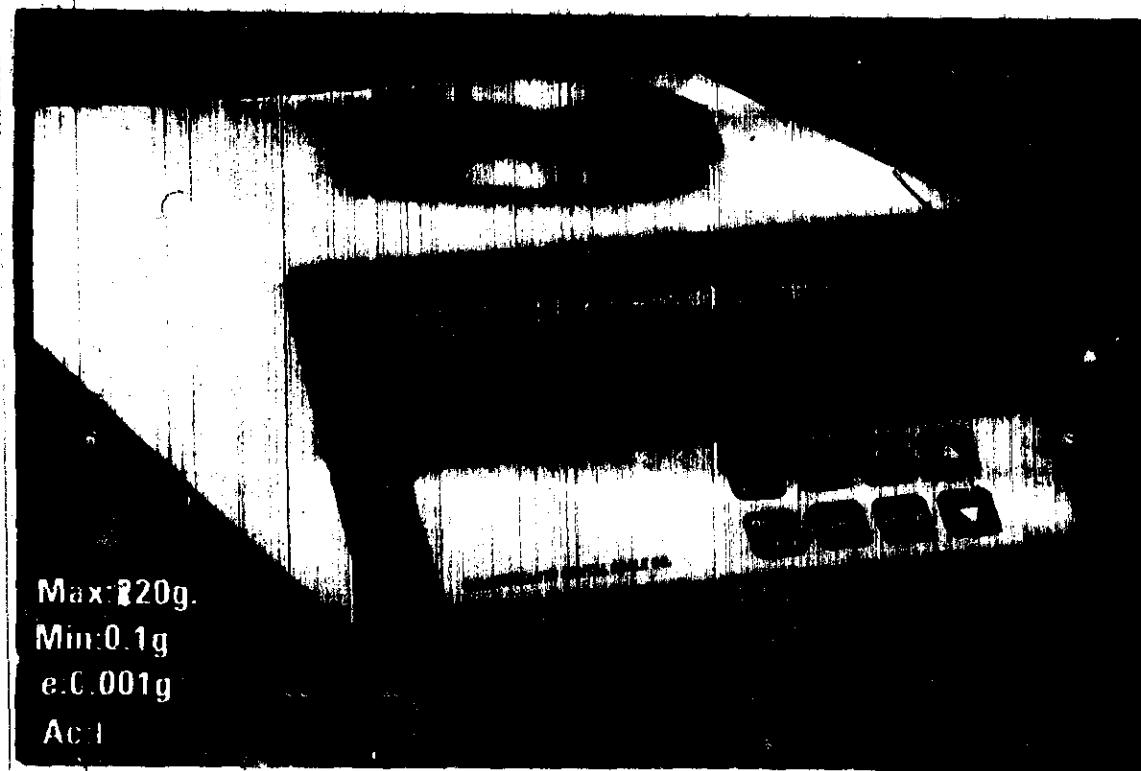
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th June, 2008

S.O. 2242.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval the model of non-automatic weighing instrument (Tabletop Type) with digital indication of "CA-123" series of special accuracy (Accuracy Class-I) and with brand name "CHANDRAKANT DIGITAL SCALE CO" (herein referred to as the said model), manufactured by M/s. Chandrakant Digital Scale Co., Chawl 12-5/16, S.B. Marg, Lower Parel West, Mumbai-400 013, Maharashtra and which is assigned the approved mark IND/09/07/320;

The said model is an Electro Magnetic Force Compensation Principle based non-automatic weighing instrument with a maximum capacity of 120g. and minimum capacity of 100mg. The verification scale interval (e) is 1mg. The readability of the instrument (d) is 1mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50kg. and with number of verification scale interval (n) equal to or more than 50,000 for 'e' value of 1mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with which the same principle, design, accuracy and with the same materials with which, the said approved model has been manufactured.

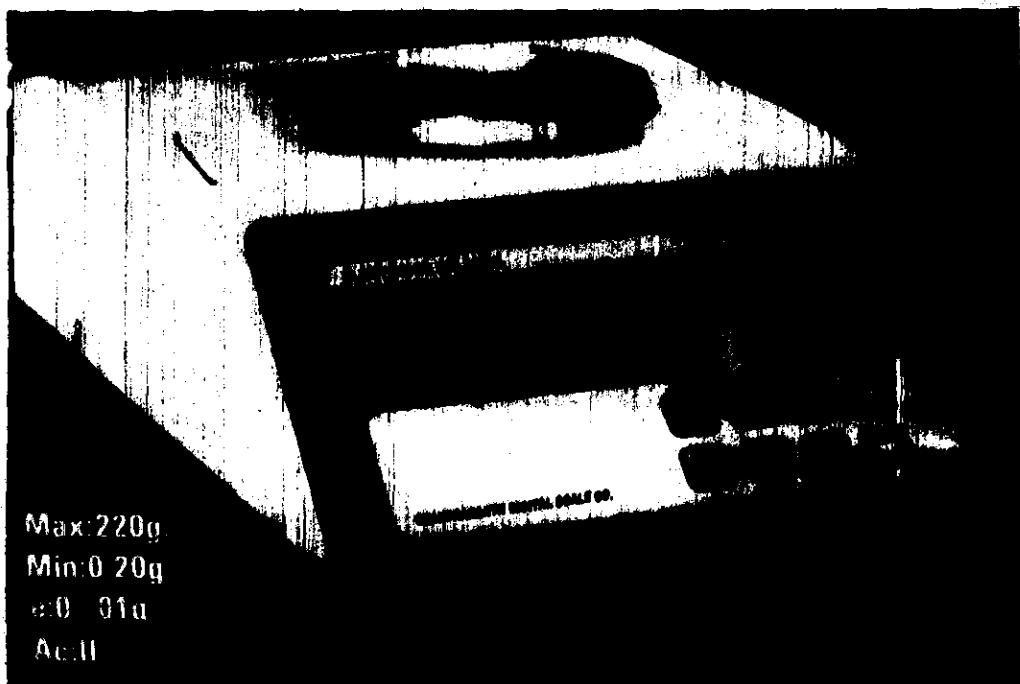
[F. No. WM-21 (133)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 20 जून, 2008

का.आ. 2243.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) ब्रेट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्से चन्द्रकान्त डिजीटल स्केल कम्पनी, चाव्हा 12-5/16, एस.बी. मार्ट, लॉवर पारेल बेस्ट, मुम्बई-400 013, महाराष्ट्र द्वारा विनिर्मित विशिष्ट यथार्थता (यथार्थता वर्ग II) के 'सीबी-220' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) और जिसके ब्राण्ड का नाम 'चन्द्रकान्त डिजीटल स्केल कम्पनी' है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है), जिसे अनुमोदन चिह्न आई एन डी/09/07/322 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 220 ग्रा. है और न्यूनतम क्षमता 0.20 ग्रा. है। सत्यापन मापमान अंतराल (ई) 0.01 ग्रा. है। उपकरण (डी) की पठनीयता । मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टेम्पिंग प्लेट को सील करने के अलावा गलत अनुप्रयोगों को रोकने के लिए भी मशीन को सील किया जाएगा। मॉडल की सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य करने के सिद्धांत आदि की शर्तों में बिक्री से पहले अथवा बाद में कोई परिवर्तन नहीं किया जाना चाहिए।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह धोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. के "ई" मान के लिए 100 से 50,000 की रेंज में सत्यापन मापमान अंतराल (एन) की संख्या और 100 मि.ग्रा. अथवा उससे अधिक के "ई" मान के लिए 5000 से 50,000 की रेंज में सत्यापन स्केल अंतराल (एन) की संख्या सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^8 , 2×10^8 या 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

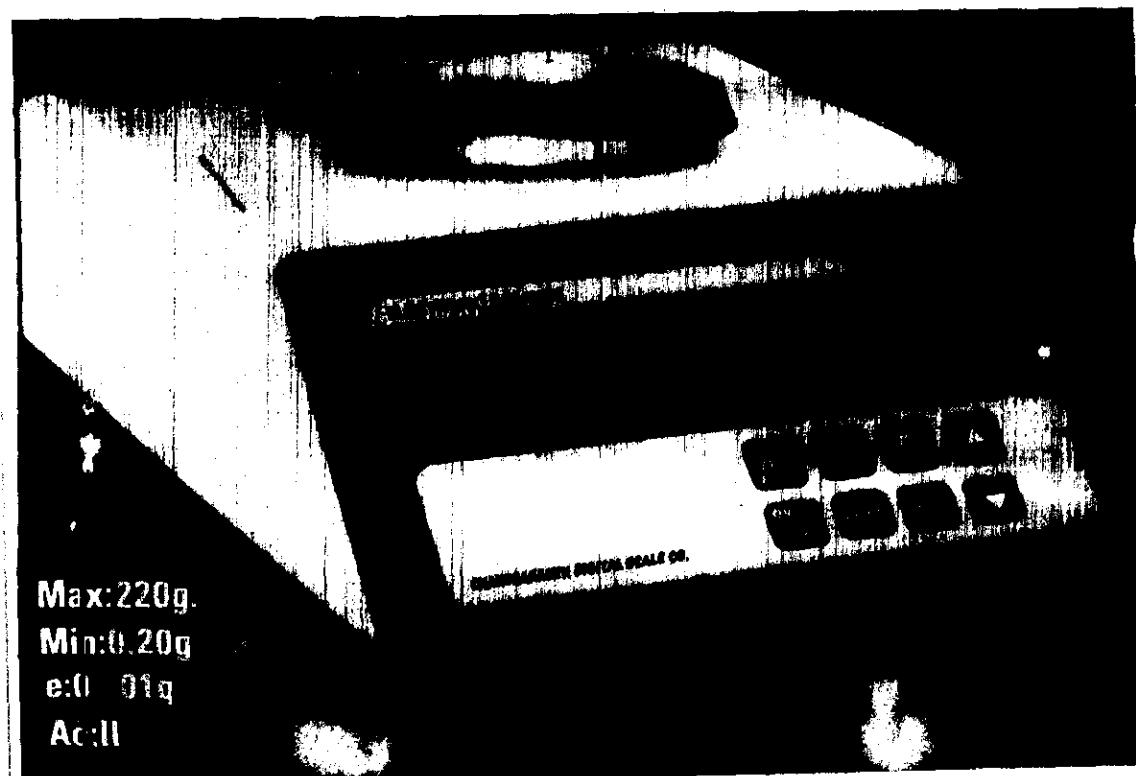
[फा. सं. डब्ल्यू एम-21(133)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th June, 2008

S.O. 2243.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop Type) with digital indication of "CB-220" series of high accuracy (Accuracy Class-II) and with brand name "CHANDRAKANT DIGITAL SCALE CO." (herein referred to as the said model), manufactured by M/s. Chandrakant Digital Scale Co., Chawl 12-5/16, S.B. Marg, Lower Parel West, Mumbai-400 013, Maharashtra and which is assigned the approved mark IND/09/07/322;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 220g and minimum capacity of 0.20g. The verification scale interval (e) is 0.01g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

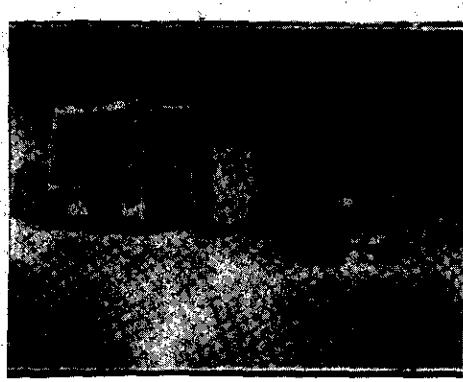
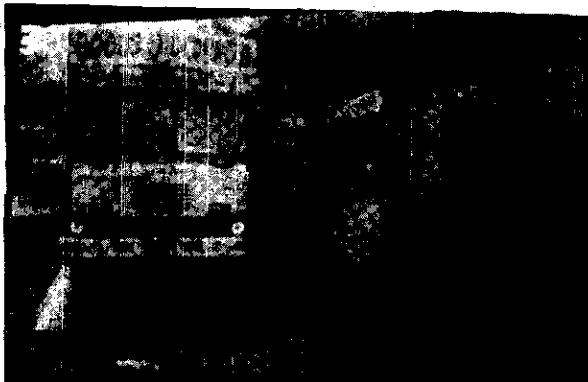
Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50 mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (133)/2007]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 20 जून, 2008

का.आ. 2244.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स चन्द्रकान्त डिजीटल स्कैल कम्पनी, चाल्स 12-5/16, एस.बी. भार्ग, लॉवर पारेल वेस्ट, मुम्बई-400 013, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) के 'टी डब्ल्यू एस-30.टी' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) और जिसके ब्राण्ड का नाम 'चन्द्रकान्त डिजीटल स्कैल कम्पनी' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है), और जिसे अनुमोदन चिह्न आई एन डी/09/07/318 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;



उक्त माडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) है। इसकी अधिकतम क्षमता 30 टन है और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनामक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अलावा गलत अनुप्रयोगों को रोकने के लिए भी मशीन को सील किया जाएगा। मॉडल की सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य करने के सिद्धांत आदि की शर्तों में बिक्री से पहले अथवा बाद में कोई परिवर्तन नहीं किया जाना चाहिए।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. अथवा उससे अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(133)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th June, 2008

S.O. 2244.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (weighbridge type) with digital indication of "TWS-30T" series belonging to medium accuracy (Accuracy class III) and with brand name "CHANDRAKANT DIGITAL SCALE CO" (herein referred to as the said model), manufactured by M/s. Chandrakant Digital Scale Co., Chawl 12-5/16, S.B. Marg, Lower Parel West, Mumbai-400 013, Maharashtra and which is assigned the approval mark IND/09/07/318;



The said model is a strain gauge type load cell based non-automatic weighing instrument (weighbridge type) with a maximum capacity of 30 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

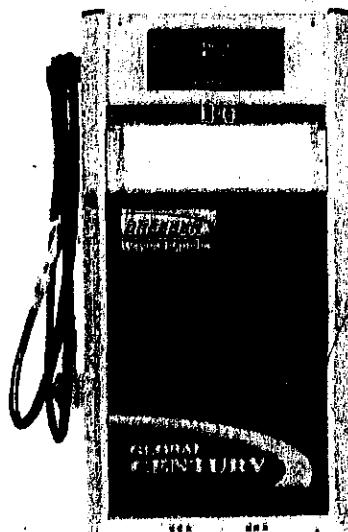
[F. No. WM-21 (133)/2007]
R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 20 जून, 2008

का.आ. 2245.—केन्द्रीय सरकार का, नीदरलैंडस मिटिस्टिट्यूट (एन एम आई सर्टिन बी. बी.) हुगो डे गुटिल्यन 1, 3314 ई जी डोरेइक्ट, नीदरलैंड द्वारा जारी दिनांक 17-1-2006 के अनुमोदन संख्या सी पी सी 508477 के प्रमाण पत्र के साथ विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की उपधारा (3) के परन्तुक और धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इंसर बेने पिगनोन, इंसेन बेने, ए.बी., लिम्हांसवेगन 109, 200, 61 माल्मो, स्वीडन द्वारा विनिर्मित एल पी जी जी प्यूल डिस्पेंसर के माडल का, जिसके ब्राण्ड का नाम 'ग्लोबल सेंचुरी' है जिसे मैसर्स जनरल एनर्जी मेनेजमेंट सिस्टम्स प्रा.ति., 521-522, कमर्शियल प्लाजा, होटल ली मेरिडन, विंडसर स्ट्रेस, नई दिल्ली-110001 द्वारा भारत में विपणीत किया गया है और जिसे अनुमोदन चिह्न आई एन डी/13/08/128 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त माडल का परीक्षण "पानी के अलावा अन्य द्रव्य के मापन सिस्टम" के संबंध में अंतर्राष्ट्रीय सिफारिश ओ आई एम एल आर 117 के अनुसार किया जाता है। यह एक घनात्मक विस्थापन डिजिटल टाइप एल पी जी डिस्पेंसर है। न्यूनतम मापी गई मात्रा 5 लीटर है। अधिकतम प्रवाह दर 50 लिटर प्रति मिनट है और न्यूनतम प्रवाह दर 5 लिटर प्रति मिनट है। अधिकतम प्रचालन दाब 25 बार (जी) तथा न्यूनतम दाब 1 बार (जी) है। यथार्थता श्रेणी 1.0 और पर्यावरण श्रेणी सी है। उपकरण 230 बोल्ट और 60 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। इसमें द्रव क्रिस्टल प्रदर्श (एल सी डी) है।



एल पी जी मीटर और पल्सर को सील करने के तार द्वारा सीलबंद किया जाएगा। एल पी जी मीटर में सील करने के तार को मुख्य कवर में स्टड में किए गए छेद के माध्यम डाला जायेगा। पल्सर को सील करने के लिए पल्सर के दरवाजों और उसके ढांचे पर अवस्थित छेदों के जरिये सील करने के तारों को डाला जाएगा। माडल सीलिंग व्यवस्था का स्कीमवार डायग्राम ऊपर दिया गया है।

[फा. सं. डब्ल्यू एम-21(237)/2006]

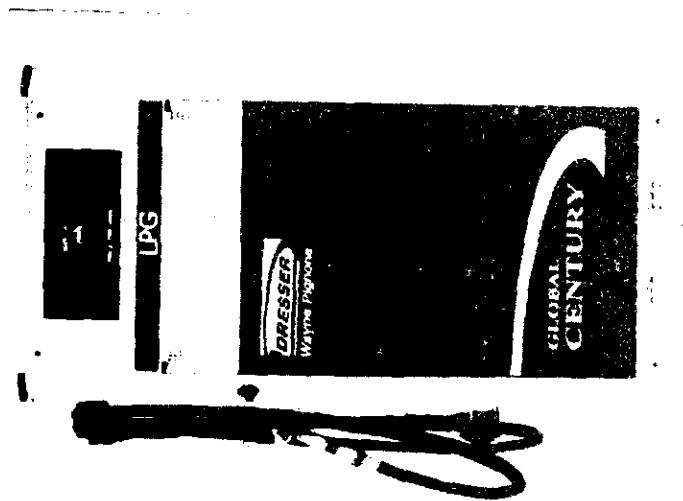
आर. माधुरबूथम, निदेशक, विधिके माप विज्ञान

New Delhi, the 20th June, 2008

S.O. 2245.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Certificate of Approval Number CPC 508477 dated 17-01-2006 issued by the Nederlands Meetinstituut (NMI) Certain B.V., Hugo de Grootplein 1, 3314 EG Dordrecht, The Netherlands, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of the model of LPG Fuel Dispenser of brand 'Global Century', manufactured by M/s. Dresser Wayne Pignone, Dresser Wayne AB, Limhamnsvagen 109, 200, 61 Malmo, Sweden and marketed in India by M/s. General Energy Management Systems Pvt Ltd., 521-522, Commercial Plaza, Hotel Le Meridian, Windsor Place, New Delhi-110001 and which is assigned the approved mark IND/13/08/128;

The said model is tested as per international recommendation OIML R 117 regarding 'Measuring System for Liquid other than water'. It is a positive displacement digital type LPG dispenser. The minimum measured quantity is 5 litre. The Maximum flow rate is 50 litre per minute and minimum flow rate is 5 litre per minute. The maximum operating pressure is 25 bar (g) and minimum operating pressure is 1 bar (g). The Accuracy class is 1.0 and the Environment Class C. The instrument operates on 230 Volts and 50-Hertz alternate current power supply. It has Liquid Crystal Display (LCD) display.



The sealing is provided by wire sealing of the LPG Meter and the Pulser. In the LPG Meter, the sealing wire is routed through the hole made in the stud of the main cover. For sealing the Pulser, the sealing wire is passed through the holes located at the doors of the Pulser and Pulser body. A typical schematic diagram of sealing provision of the model is given above.

[F. No. WM-21 (2371) 2008]

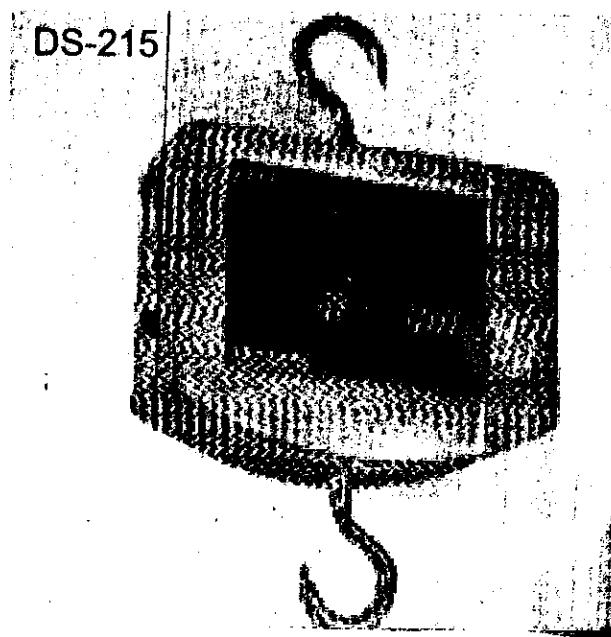
R. MATHUR BOOTHAM, Director of Legal Metrology

नई दिल्ली, 20 जून, 2008

का.आ. 2246.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स एस्सेई-टेरोका लिमिटेड, नं. 377/22, 6ठा क्रास, विलसन गार्डन, बंगलौर-560 027 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) के 'डीएस-215' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (हैंगिंग टाइप) और जिसके ब्राण्ड का नाम "ईएसएसई" है (जिसे इसमें इसके पश्चात उक्त माडल कहा गया है), जिसे अनुमोदन चिह्न आई एन डी/09/08/136 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त माडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (हैंगिंग टाइप) है। इसकी अधिकतम क्षमता 150 कि.ग्रा. और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वॉल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



तुला के सामने बाईं तरफ टॉप कवर और बाटम बेस को काटकर दो छिद्र किए जाते हैं और सत्यापन स्टम्प एवं सील को प्राप्त करने के लिए लीडेड वायर द्वारा जिसे कसा जाता है। सील को तोड़े बिना तुला को खोला नहीं जा सकता है। माडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम अथवा उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 600 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^k , 2×10^k या 5×10^k , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(79)/2008]

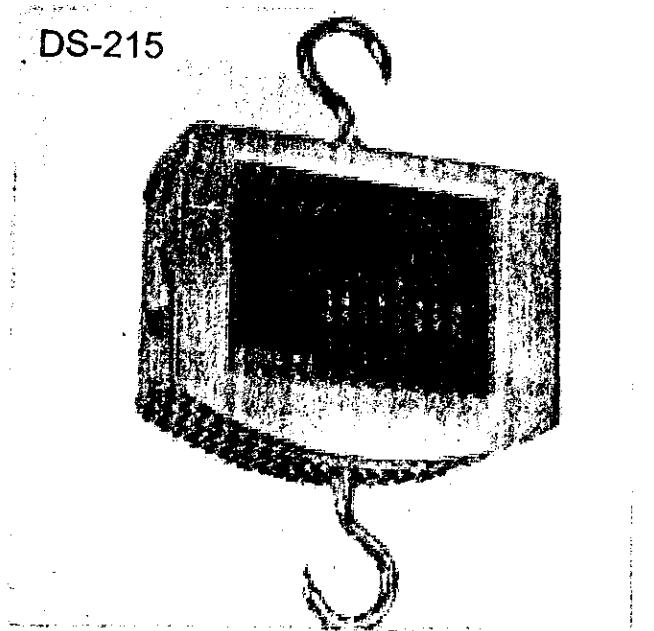
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th June, 2008

S.O. 2246.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Hanging type) with digital indication of medium accuracy (Accuracy class-III) of series "DS-215" and with brand name "ESSAE" (hereinafter referred to as the said model), manufactured by M/s. Essae-Teraoka Limited, No. 377/22, 6th Cross, Wilson Garden, Bangalore-560 027 and which is assigned the approval mark IND/09/08/136;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Hanging type) with a maximum capacity of 150 kg. and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



On the front left side of the balance 2 holes are made by cutting the front top cover and bottom base which is fastened by a leaded wire for receiving the verification stamp and seal. The balance can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and up to 600kg. with verification scale interval (n) in the range of 500 to 10,000, for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (79)/2008]

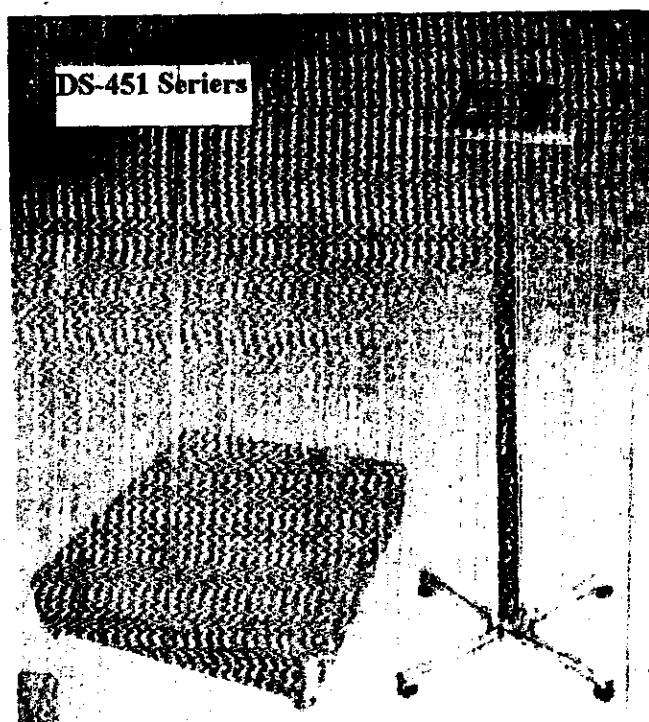
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 20 जून, 2008

का.आ. 2247.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स एस्सेई-ट्रोका लिमिटेड, नं. 377/22, 6ठा क्रास, विलसन गार्डन, बंगलौर-560 027 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) के “‘डीएस-451’ शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) और जिसके ब्रांड का नाम “‘ईएसएसई’ है (जिसे इसमें इसके पश्चात् उक्त मॉडल) कहा गया है), जिसे अनुमोदन चिह्न आई एन डी/09/08/137 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 150 कि.ग्रा. और न्यूनतम क्षमता 400 ग्रा. है। सत्यापन मापमान अंतराल (ई) 20 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तलात्मक धरित आधेयतुलन प्रभाव है। वैक्युम फ्लोरोसेंट डिस्प्ले (वी एफ डी) तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



तुला के सामने बाईं तरफ टॉप कवर और बाटम बेस को काटकर दो छिद्र किए जाते हैं और सत्यापन स्टम्प एवं सील को प्राप्त करने के लिए लीडेड वायर द्वारा जिसे कसा जाता है। सील को तोड़े बिना तुला को खोला नहीं जा सकता है। मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम अथवा उससे अधिक के “‘ई’’ मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 60 कि.ग्रा. से अधिक और 3000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “‘ई’” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(79)/2008]

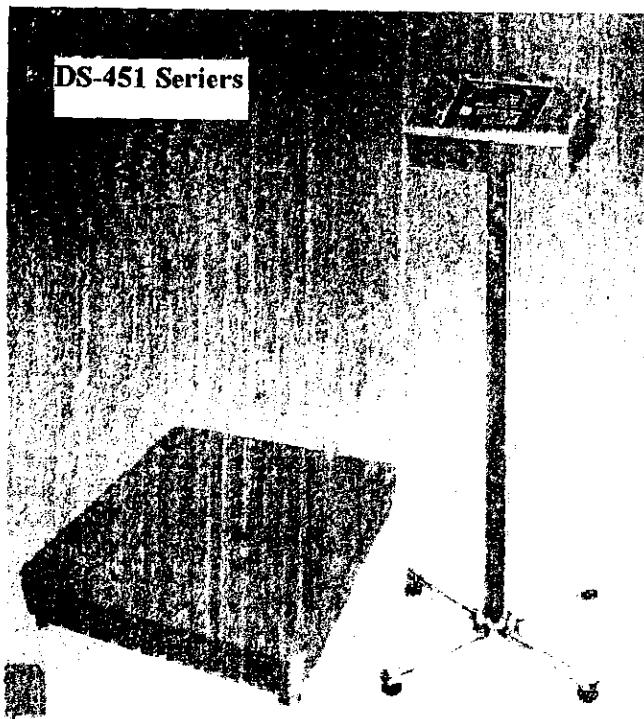
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th June, 2008

S.O. 2247.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform Type) with digital indication of "DS-451" series of medium accuracy (Accuracy class-III) and with brand name "ESSAE" (hereinafter referred to as the said model), manufactured by M/s. Essae-Teraoka Limited, No. 317/22, 6th Cross, Wilson Garden, Bangalore-560 027 and which is assigned the approval mark IND/09/08/137;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 150 kg. and minimum capacity of 400g. The verification scale interval (e) is 20g. It has a tare device with a 100 percent subtractive retained tare effect. The vacuum fluorescent display (VFD) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



On the front left side of the balance 2 holes are made by cutting the front top cover and bottom base which is fastened by a leaded wire for receiving the verification stamp and seal. The balance can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 60kg. and up to 3000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (79)/2008]

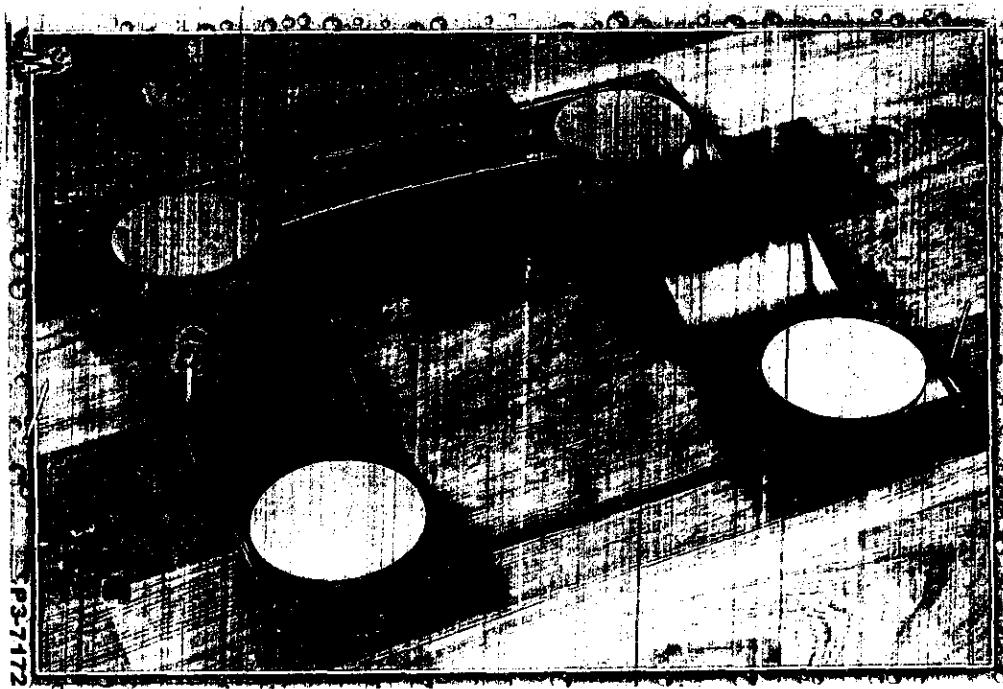
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 20 जून, 2008

का.आ. 2248.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स एसीई इन्कोर्पोरेशन, 107 न्यू आर्टिश मार्किट, गुजर की थाड़ी, भानसरोवर, जयपुर-302018, राजस्थान द्वारा मध्यम यथार्थता (यथार्थता वर्ग-III) के “ईएचएस-150” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (पर्सन वेंगिंग मशीन) और जिसके ब्राण्ड का नाम “बीनस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है), जिसे अनुमोदन चिह्न आई एन डी/09/08/182 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (पर्सन वेंगिंग मशीन) है। इसकी अधिकतम क्षमता 150 कि.ग्रा. है और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्त है जिसका शत प्रतिशत व्यक्तिनाम्तक धारित आधेयतुलन प्रभाव है। लिक्वीड क्रिकेट डायोड (एल सी डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टेपिंग प्लेन में एक छिद्र के साथ रियर प्लेट में और इंडिकेटर के कवर में छिद्र किए जाते हैं और इन छिद्रों के माध्यम से एक सील वायर लगाया जाता है। वायर पर स्केयर सील भी लगायी जाती है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम अथवा उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेज में सत्यापन मापमान अंतराल (एन) के साथ 100 कि.ग्रा. से 200 कि.ग्रा. तक की रेज की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(20)/2008]

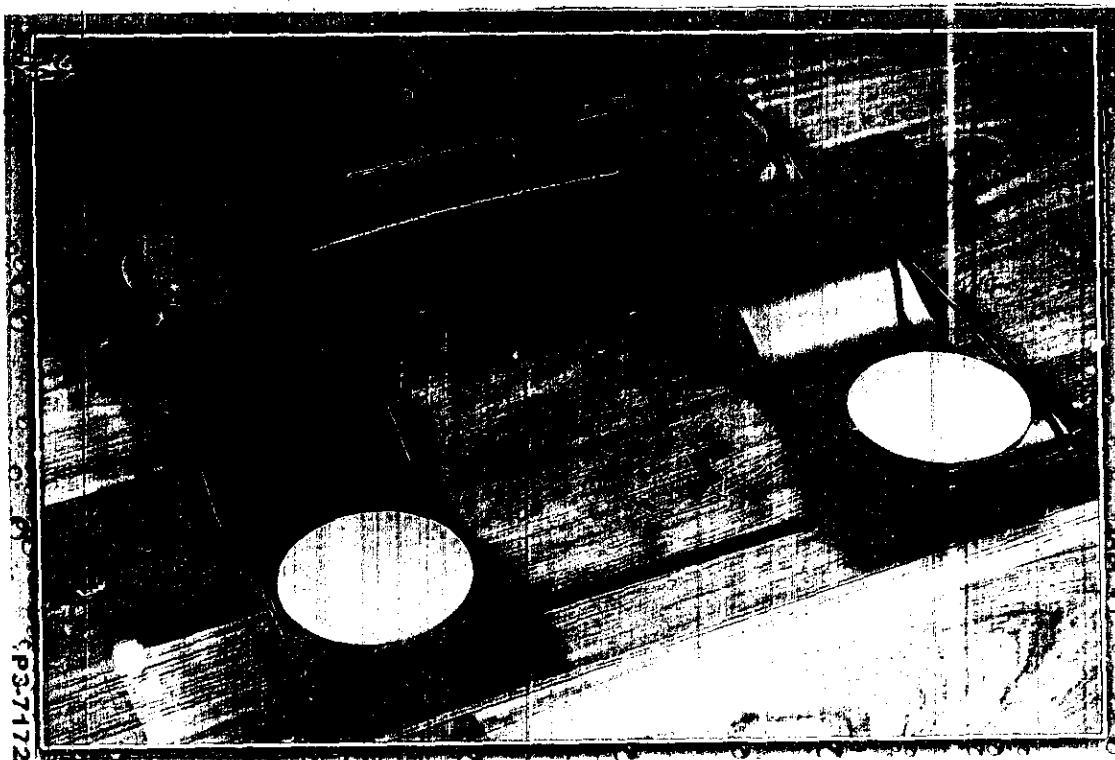
आर. माथुरकूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th June, 2008

S.O. 2248.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Person Weighing Machine) with digital indication of medium accuracy (Accuracy class-III) of series "EHS-150" and with brand name "VENUS" (hereinafter referred to as the said model), manufactured by M/s. ACE Incorporation, 107-New Atish Market, Gujar Ki Thadi, Mansarovar, Jaipur-302018, Rajasthan and which is assigned the approval mark IND/09/08/182;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Person Weighing Machine) with a maximum capacity of 150 kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The Liquid Crystal Diode (LCD) Display, indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



Holes are made at the rear plate and at the cover of the indicator with a hole in stamping plate also and a seal wire is applied through these holes. A square seal is also poured on the wire. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity in the range of 100kg. to 200 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (20) 2008]

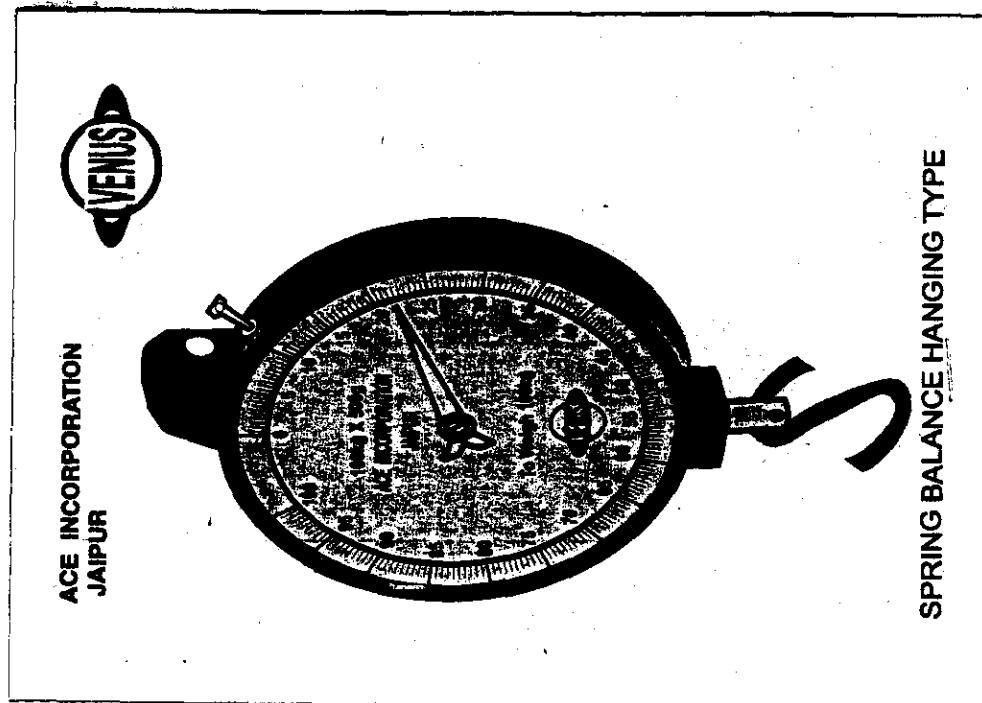
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 20 जून, 2008

का.आ. 2249.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथ् बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स एसीई इन्कोर्पोरेशन, 107 न्यू अटिश मार्किट, गुजर की थाडी, मानसरोवर, जयपुर-302018, राजस्थान द्वारा साधारण यथार्थता (यथार्थता वर्ग-III) के “सीएचएस-100” शृंखला के समतुल्य सूचन सहित, अस्वचालित तोलन उपकरण (स्प्रिंग ब्लेंस) और जिसके ब्रांड का नाम “बीनस” है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है), जिसे अनुमोदन चिह्न आई एन डी/09/08/183 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त माडल एक हॉर्निंग टाइप मकेनिकल आधारित स्प्रिंग वाला अस्वचालित तोलन उपकरण (स्प्रिंग ब्लेंस) है। इसके अधिकतम क्षमता 100 कि.ग्रा. है और न्यूनतम क्षमता 5 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 500 ग्रा. है। सूचक डायल इंडिकेटर पर समतुल्य प्रकार का होता है।



तल प्लेट में और इंडिकेटर के सामने किए गए छिद्रों के माध्यम से सीलिंग की जाती है, उसके बाद उन छिद्रों में से तार को निकाला जाता है और तार पर लीड सील को फिक्स किया जाता है। माडल के सीलिंग प्रावधान का टाइपिकल सिमेटिक डायग्राम नीचे दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. अथवा उससे अधिक के “ई” मान के लिए 100 से 1,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) के साथ 500 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।।।

[फ. सं. डब्ल्यू एम-21(20)/2008]

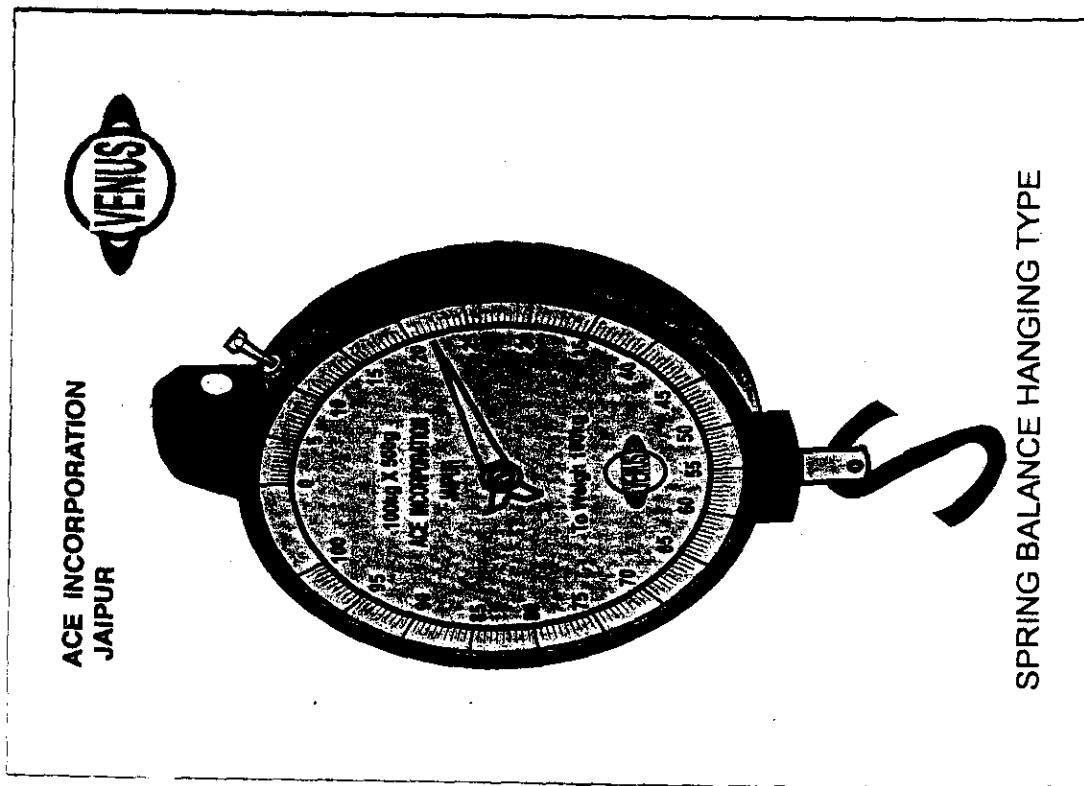
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th June, 2008

S.O. 2249.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Spring Balance) with analogue indication of ordinary accuracy (Accuracy class-III) of series "CHS 100" and with brand name "VENUS" (hereinafter referred to as the said model), manufactured by M/s. ACE Incorporation, 107- New Atish Market, Gujar Ki Thadi, Mansarovar, Jaipur-302018, Rajasthan and which is assigned the approved mark IND/09/08/183;

The said model is a spring based hanging type mechanical non-automatic weighing instrument (Spring Balance) with a maximum capacity of 100 kg. and minimum capacity of 5kg. The verification scale interval (e) is 500g. The indication is of analogue type on a dial indicator.



Sealing is done through the holes made in the model, then a wire is passed through these holes and the lead seal is fixed on the wire. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 500 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

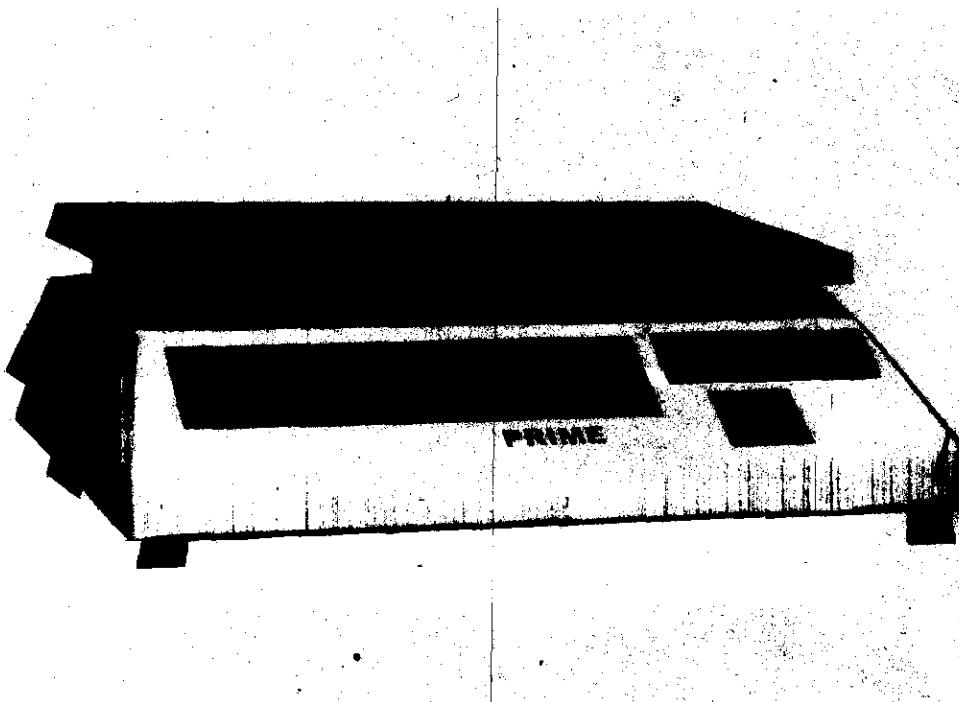
[F. No. WM-21 (20)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 20 जून, 2008

का.आ. 2250.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स प्राइम टेक्नोलॉजिज्स, 1 एफ/34 बी. पी., तिकोनापार्क, एन.आई.टी., फरीदाबाद, हरियाणा द्वारा विनिर्भित उच्च यथार्थता (यथार्थता वर्ग-II) के 'एसपीटी' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) और जिसके ब्राण्ड का नाम "प्राइम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/287 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. है और न्यूनतम क्षमता 250 ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 ग्रा. है। इसमें एक आधेन्द्रिय युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेन्द्रिय तोलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग स्लेट को सील करने के अलावा गलत अनुप्रयोगों को रोकने के लिए भी मशीन को सील किया जाएगा। मॉडल की सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य करने के सिद्धांत आदि की शर्तों में बिक्री से पहले अथवा बाद में कोई परिवर्तन नहीं किया जाना चाहिए।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्भित उसी शृंखला के वैसे ही भेक, यथार्थता और कार्यशक्ति के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. अथवा 50 मि.ग्रा. के "ई" मान के लिए 100 से 50,000 की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. अथवा उससे अधिक के "ई" मान के लिए 5000 से 50,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(139)/2007]

आर. माधुरबूथम, निदेशक, विभाग माप विज्ञान

New Delhi, the 20th June, 2008

S.O. 2250.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication of "SPT" series of high accuracy (Accuracy class-II) and with brand name "PRIME" (herein referred to as the said model), manufactured by M/s. Prime Technology, 1F/34 B. P., Tikona Park, N.I.T., Faridabad, Haryana and which is assigned the aproval mark IND/09/07/287;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30kg. and minimum capacity of 250g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

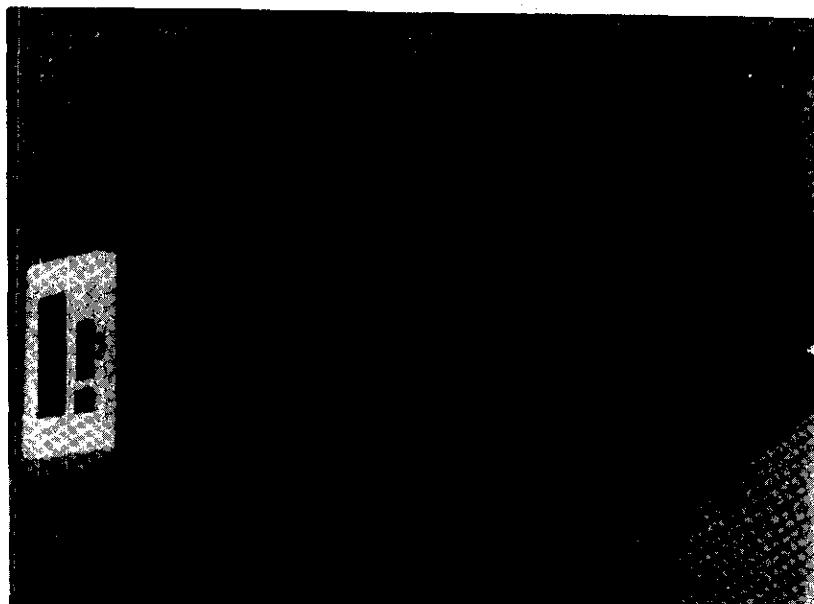
Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg. to 50 mg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (139)/2007]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 20 जून, 2008

का.आ. 2251.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्राइम टेक्नोलॉजीज, 1 एफ/34 बी. पी., तिकोना पार्क, एन.आई.टी., फरीदाबाद, हरियाणा द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) के 'एसपीपी' शृंखला के अंकक सूचन सहित, स्वतः सूचक वाले अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) और जिसके ब्राइंड का नाम "प्राइम" है (जिसे इसमें इसके पश्चात उक्त मॉडल कहा गया है), जिसे अनुमोदन चिह्न आई एन डी/09/07/288 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि. ग्रा. है और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टेम्पिंग प्लेट को सील करने के अलावा गलत अनुपयोगों को रोकने के लिए भी मशीन को सील किया जाएगा। मॉडल की सामग्री, यथार्थता, डिजाइन, सर्किंट डायग्राम, कार्य करने के सिद्धांत आदि की शर्तों में बिक्री से पहले अथवा बाद में कोई परिवर्तन नहीं किया जाना चाहिए।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. अथवा उससे अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान के 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(139)/2007]

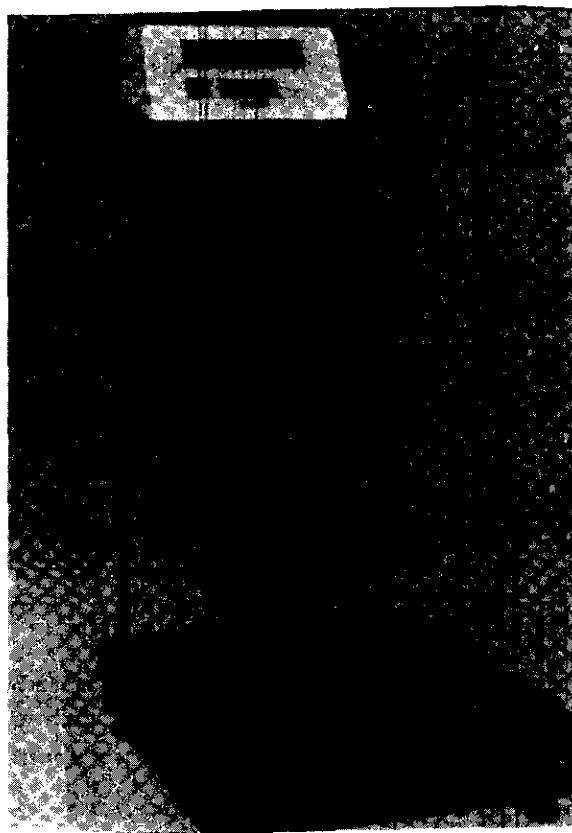
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th June, 2008

S.O. 2251.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "SPP" series of medium accuracy (Accuracy class-III) and with brand name "PRIME" (herein referred to as the said model), manufactured by M/s. Prime Technologies, 1F/34 B. P., Tikona Park, N.I.T., Faridabad, Haryana and which is assigned the approval mark IND/09/07/288;

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 500kg. and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

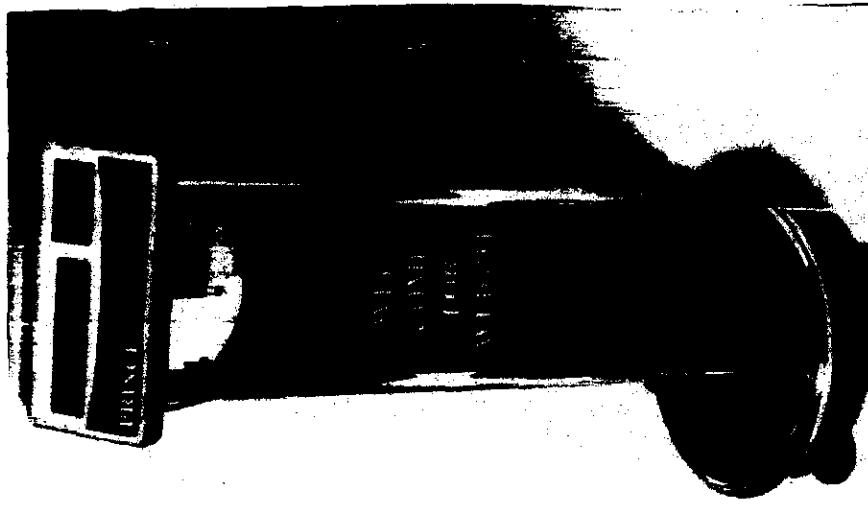
Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50kg and upto 5000 kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (139)/2007]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 20 जून, 2008

का.आ. 2252.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रिंस स्केल इंडिस्ट्रिज, शॉप नं. 1, नियर हरीओम सोसायटी, ओढव, नियर राजेंद्र पार्क क्रास रोड, अहमदाबाद-382 415 गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'पी आर सी ओ' शृंखला के अस्वचालित अंकक सूचन सहित, तोलन उपकरण (व्यक्ति तोलन मशीन) के माडल का, जिसके ब्रांड का नाम "प्रिंस" है (जिसे इसमें इसके पश्चात उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/477 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 200 कि.ग्रा. है और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्दर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

इंडिकेटर के टाप कवर और बेस प्लेट में छिपों के माध्यम से लीड तार निकालते हुए इंडिकेटर के दोनों तरफ से सीलिंग प्रदान की गई है। माडल को सीलबंद करने का एक प्रारूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी समग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 कि.ग्रा. और 200 कि.ग्रा. के बीच तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(91)/2006]
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th June, 2008

S.O. 2252.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Person Weighing type) with digital indication of "PRCO" series of medium accuracy (Accuracy class-III) and with brand name "PRINCE" (herein referred to as the said model), manufactured by M/s. Prince Scale Industries, Shop No. 1, Near Hari Om Society, Ondhav, Near Rajindra Park Cross Road, Ahmedabad-382 415, Gujarat and which is assigned the approval mark IND/09/06/477;

The said model is a strain gauge type load cell based weighing instrument with a maximum capacity of 200kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

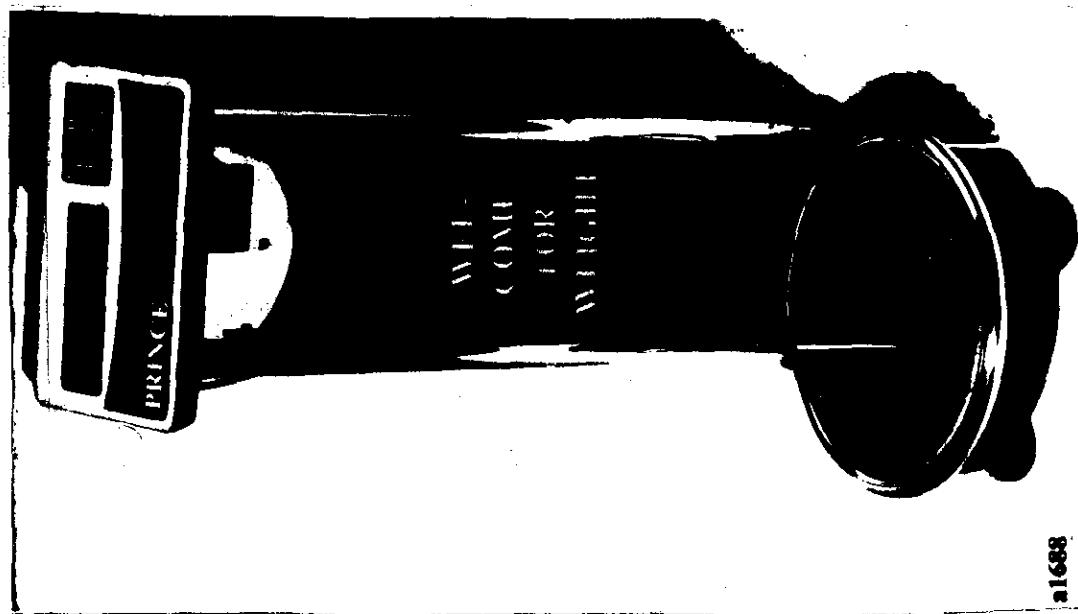


Figure 2 : Schematic diagram of sealing provision

The sealing is provided on the two sides of the indicator by passing lead wire through holes at base plate and the top cover of the indicator. A typical schematic diagram of sealing provision of the model is given above.

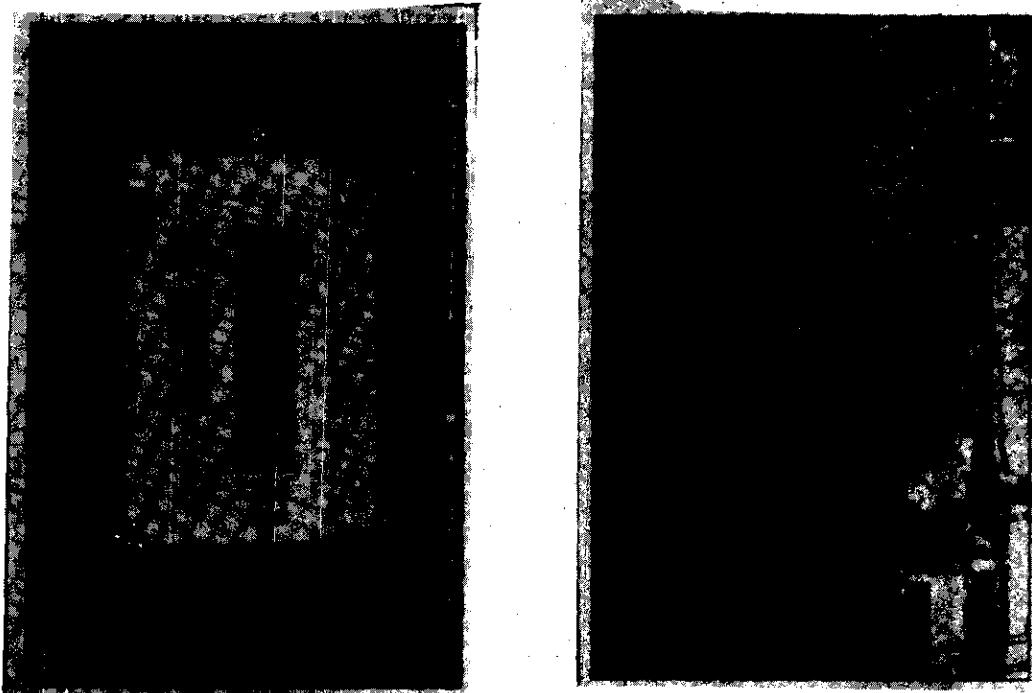
Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity between 100kg and upto 200 kg and with number of verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g or more and 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (91)2006]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 20 जून, 2008

का.आ. 2253.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स कास्मों स्केल्स ईंड सिस्टम्स, 131, सेक्टर-8 अर्बन एस्टेट, करनाल, हरियाणा-132 001 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) के 'सीडब्ल्यू-4' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज टाइप) और जिसके ब्राण्ड का नाम "कोस्मो" है (जिसे इसमें इसके पश्चात उक्त मॉडल कहा गया है) जिसे अनुमोदन विह आई एन डी/09/08/199 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधरत अस्वचालित तोलन उपकरण (वेब्रिज टाइप) है। इसकी अधिकतम क्षमता 30 टन और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधियतुलन युक्ति है जिसका शात प्रतिशत व्यक्तनात्मक धारित आधियतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

बॉटम प्लेट में और सूचक बाड़ी के सामने छिद्रों के माध्यम से सीलिंग की जाती है तथा उसके बाद इन छिद्रों में से एक सील बायर पार किया जाता है तथा बायर पर एक लीड सील लगा दी जाती है। सील को तोड़े बिना इंडिकेटर को खोला नहीं जा सकता है। मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम उपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. अथवा अधिक के "ई" मान के लिए 500 से 10,000 की रेंज-में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता बाले हैं और "ई" मान के 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(87)/2008]

आर. माधुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th June, 2008

S.O. 2253.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge Type) with digital indication of medium accuracy (Accuracy class-III) of series "CW-4" and with brand name "COSMO" (herein referred to as the said model), manufactured by M/s. Cosmo Scales & Systems, 131, Sector-8, Urban Estate, Karnal, Haryana-132 001 and which is assigned the approval mark IND/09/08/199;

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 30 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



Sealing is done through the holes made in the bottom plate and front of the indicator body, and then a seal wire is passed through these holes and a lead seal is fixed on the wire. The indicator cannot be opened unless the seal is broken. A typical schematic diagram of sealing provision of the model is given above.

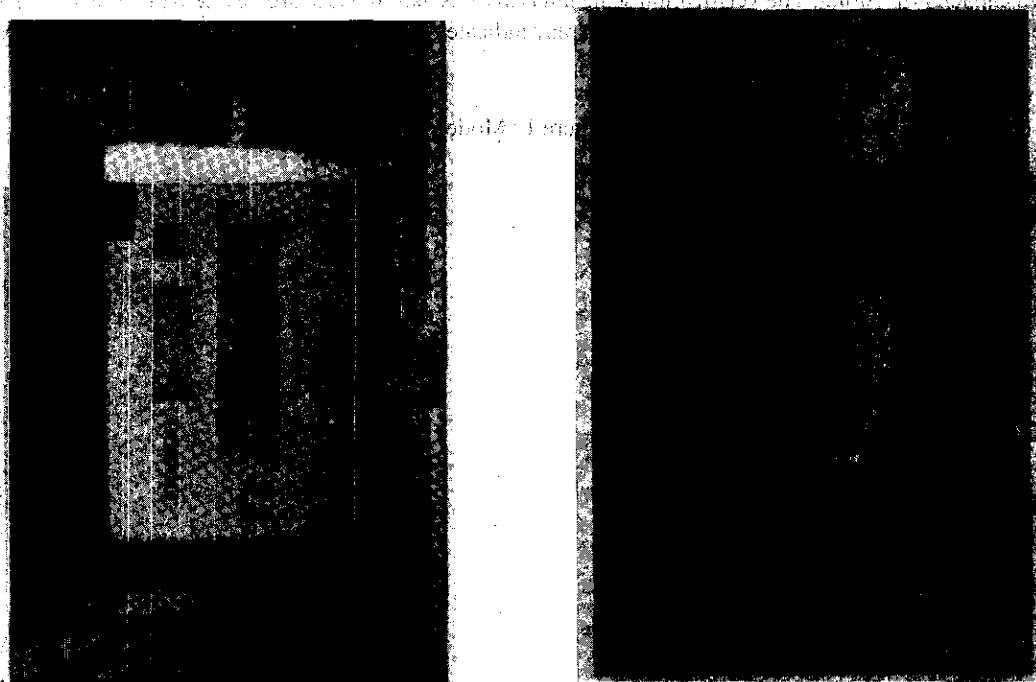
Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 100 tonne with verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (87) 2008]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 20 जून, 2008

का.आ. 2254.—केन्द्रीय सरकार का विहत प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और मापमानक अधिनियम, 1976 (1976 का 60), तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संमानित है कि संगतार प्रयोग की अवधि में भी उक्त मॉडल व्याधिता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 को उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स कोस्मो स्कलस एंड सिस्टम्स, 131, सेक्टर-8, अब्बन एस्टेट, करनाल, हरियाणा-132 001 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) के 'सीसी-4' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज कन्वर्सन फिल्टर डाइप) और जिसके बाण्ड का नाम "कोस्मो" है (जिसे इसमें इसके पश्चात उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/200 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।



उक्त मॉडल एक विकृत गेज इकार का भार तोलन आधारित अस्वचालित तोलन उपकरण (वेब्रिज कन्वर्सन फिल्टर डाइप) है। इसकी अधिकतम क्षमता 30 टन और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (इ) 5 कि.ग्रा. है। इसमें एक अपेक्षित युक्ति है जिसका शात प्रतिशत व्यक्तलनात्मक आरित अधिकारीय अधिकार है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन पर्माणम उपर्याप्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

बॉटम प्लेट में और सूचक बाड़ी के सामने छिद्रों के माध्यम से सीलिंग की जाती है तथा उसके बाद इन छिद्रों में से एक सील बायर पार किया जाता है तथा बायर पर एक लीड सील लगा दी जाती है। सील को लोड बिना इंडिकेटर को खोला नहीं जा सकता है। मॉडल के सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम उपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माण द्वारा उसी सिद्धांत, डिजाइन और अनुसार और उसी समग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही भेद यथार्थता और कार्यपालक के तोलन उपकरण भी होंगे जो 5 ग्रा. अथवा उससे अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में सत्यापन मापीकन अंतराल (इ) रहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान के 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या त्रैणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(87)/2008]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th June, 2008

S.O. 2254.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge Conversion Kit type) with digital indication of medium accuracy (Accuracy class-III) of series "CC-4" and with brand name "COSMO" (herein referred to as the said model), manufactured by M/s. Cosmo Scales & Systems, 131, Sector-8, Urban Estate, Karnal, Haryana-132 001 and which is assigned the approval mark IND/09/08/200;

The said model is a strain gauge type load cell based weighing instrument with a maximum capacity of 30 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure I : Model

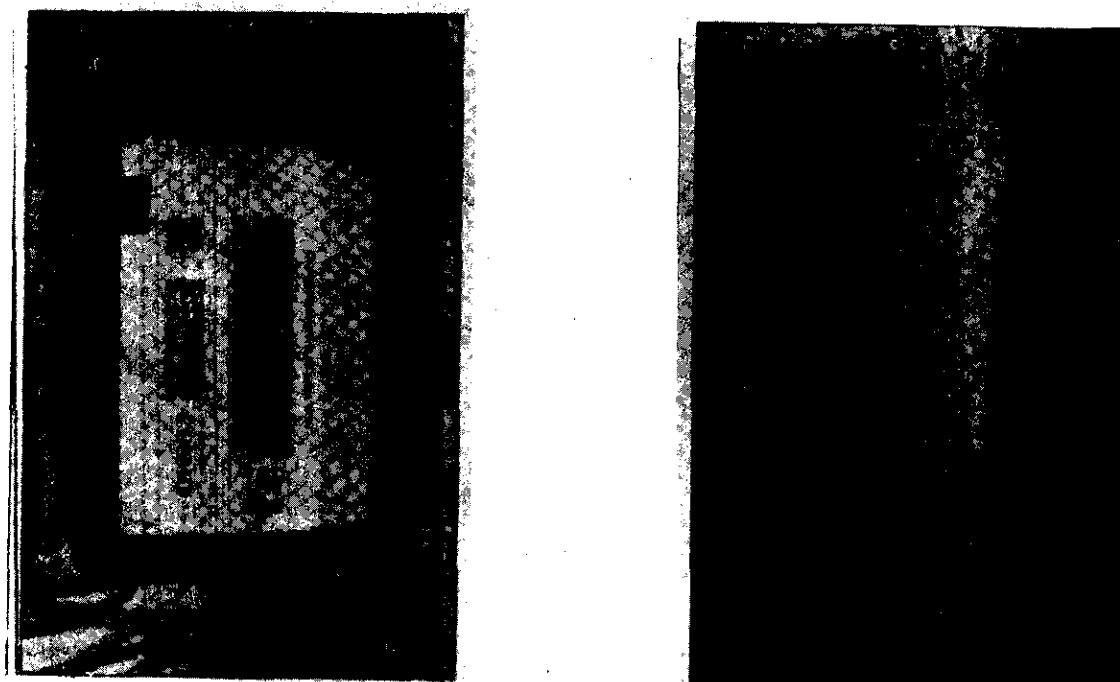


Fig. 2-Sealing arrangements

Sealing is done through the holes made in the bottom plate and front of the indicator body, and then a seal wire is passed through those holes and a lead seal is fixed on the wire. The indicator can not be opened unless the seal is broken. A typical schematic diagram of sealing provision of the model is given.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (87)/2008]
R. MATHURBOOTHAM, Director of Legal Metrology

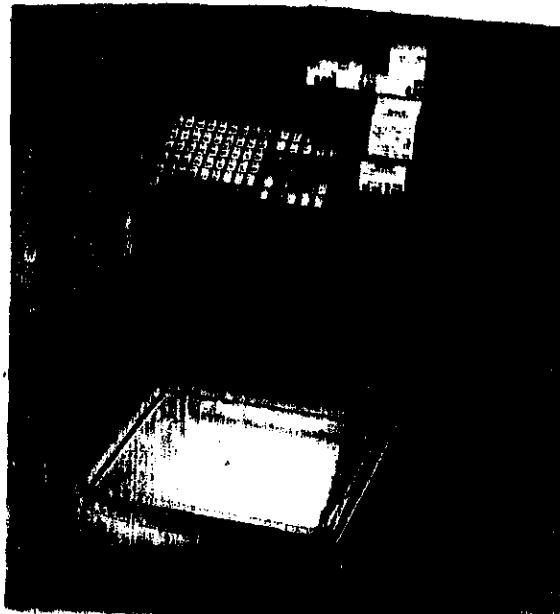
नई दिल्ली, 20 जून, 2008

का.आ. 2255.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा फिजिकालिस-टेक्निशे बुदेसेस्टाल्ट (पी टी बी), बुदेसेली 100, डी-38116 ब्राउंसवेंग, जर्मनी द्वारा जारी किए गए मॉडल अनुमोदन प्रमाणपत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गई है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) और बाट तथा माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (3) के परंतुक और उपधारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स बिजर्बा जी ए बी एच एण्ड कम्पनी के जी, विलहेम-क्रोत स्टर 722 336-बेलिनजेन, जर्मनी द्वारा विनिर्मित और भारत में मैसर्स बिजर्बा इण्डिया प्राईवेट लिमिटेड, प्लाट नं. ई एल 100, एम आई डी सी, टी टी सी, इण्डस्ट्रियल एरिया, महाप, नवी मुंबई-400 705 द्वारा विपणित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले 'सीई' श्रृंखला के अंकक सूचन सहित, अस्वचालित इलैक्ट्रो मैकेनिकल मूल्य गणक उपकरण के मॉडल का, जिसके ब्राण्ड का नाम "बिजर्बा" है (जिसमें इसके पश्चात उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/13/08/103 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक भार सेल आधारित जनसाधरण को सीधे बेचने के लिए मल्टी इन्टरवेल प्रकार का अस्वचालित इलैक्ट्रो मैकेनिकल मूल्य गणक उपकरण है। इसकी अधिकतम क्षमता 1 कि.ग्रा.से 200 कि.ग्रा. के बीच है। सत्यापन मापमान अंतराल 6000 है। इसमें एक आधे यतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधे यतुलन प्रभाव है। उपकरण 120-230 वोल्ट और 50-60 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। इसमें प्रिंटिंग की सुविधा भी है।

आकृति 1: मॉडल की आकृति



आकृति 2: सील बन्द करने के प्रावधान का स्कीमेटिक डायग्राम

सीलिंग पैन के नीचे स्केल के कवर को शीर्ष की ओर बाहरी कवर को काटकर लिंडिड वायर पास करके की जाती है। माडल के सीलिंग प्रावधान के टाइपिकल स्कीमेटिक डायग्राम उपर दिया गया है।

[फा. सं. डब्ल्यू एम-21(175)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th June, 2008

S.O. 2255.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the model approval certificate issued by the Physikalisch-Technische Bundesanstalt (PTB), Bundesallee 100, D-38116 Braunschweig, Germany is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic electro-mechanical price computing instrument with digital indication of "CE" series of medium accuracy (Accuracy class-III) and with brand name "BIZERBA" (herein referred to as the said model), manufactured by M/s. Bizerba GmbH & Co. KG, Wilhelm-Kraut-Str 722336-Balingen, Germany and marketed in India by M/s Bizerba India Private Ltd, Plot No. EL 100, MIDC, TTC Industrial Area, Mahape, Navi Mumbai-400 705 and which is assigned the approval mark IND/13/08/103;

The said model is a load cell based multi interval type non-automatic electro-mechanical price computing instrument for direct selling to the public with a maximum capacity in the range of 1kg to 200 kg and the maximum number of verification scale interval (n) is 6000. It has a tare device with 100 percent subtractive retained tare effect. The instrument operates on 120-230 Volts and 50-60 Hertz alternative current power supply. It also has the printing facility.

Figure 1 : Photograph of the Model



Figure 2 : Schematic diagram of sealing provision

The sealing is provided by passing a leaded wire through a cut out made by cutting the outer cover at the top side of the Scale Cover below the pan and sealing it with leaded seal. A typical schematic diagram of sealing provision of the model is given above.

[F. No. WM-21 (175) 2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 20 जून, 2008

का.आ. 2256.—केन्द्रीय सरकार का, विहित ग्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स एनडीएस सिस्टम्स, बिल्डिंग नं. ई-1, प्लैट नं. 22, विमान नगर, गंगापुरम को—ओप. सोसाइटी, पुणे-14, महाराष्ट्र द्वारा मध्यम यथार्थता (यथार्थता वर्ग-III) के 'एनडीटी-11' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) और जिसके ब्राइड का नाम "एनडीएस-सुकोम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है), और जिसे अनुमोदन चिह्न आई एन डी/09/08/120 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत रेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्त है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



बॉटम प्लेट में किए गए हॉल के माध्यम से और स्केल के सामने सीलिंग की जाती है, उसके बाद इन छिद्रों में से एक तार को पास किया जाता है और तार पर लीड सील फिक्स की जाती है। मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम नीचे दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(34)/2008]

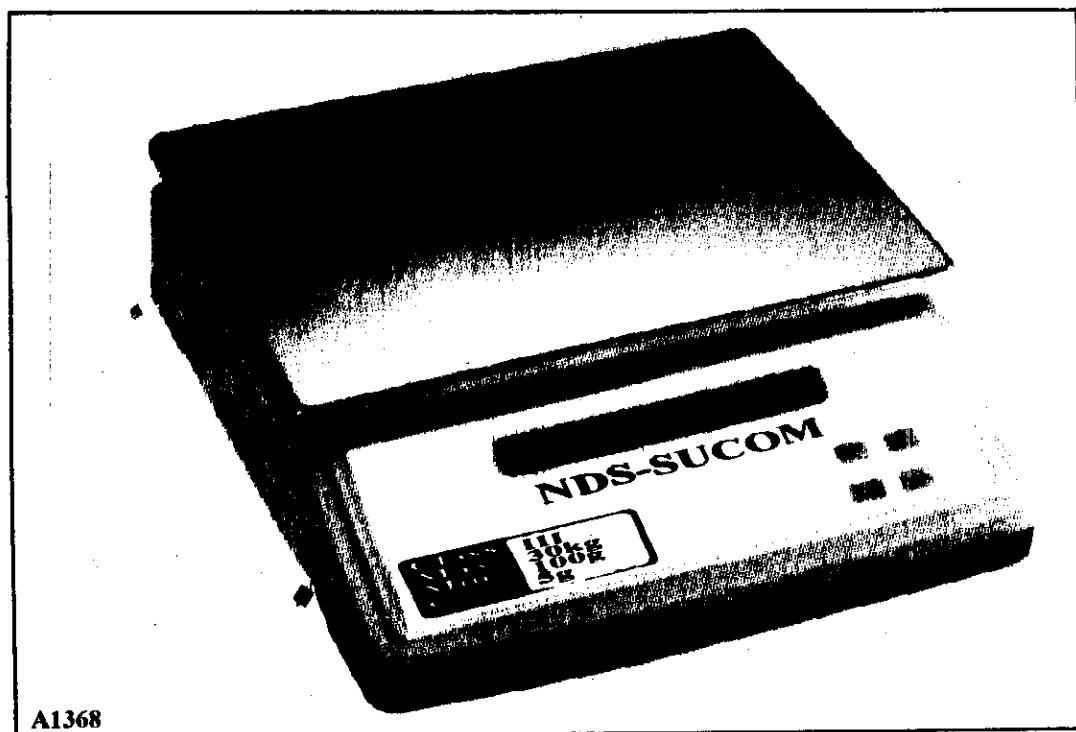
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th June, 2008

S.O. 2256.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication of "NDT-11" series of medium accuracy (Accuracy class-III) and with brand name "NDS-SUCOM" (herein after referred to as the said model), manufactured by M/s. NDS Systems, Building No. E-1, Flat No. 22, Viman Nagar, Ganga Puram Co-Op. Society, Pune-14, Maharashtra and which is assigned the aproval mark IND/09/08/120;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



Sealing is done through the holes made in the bottom plate and front of the scale, then a wire is passed through these holes and the lead seal is fixed on the wire. A typical schematic diagram of sealing provision of the model is given above.

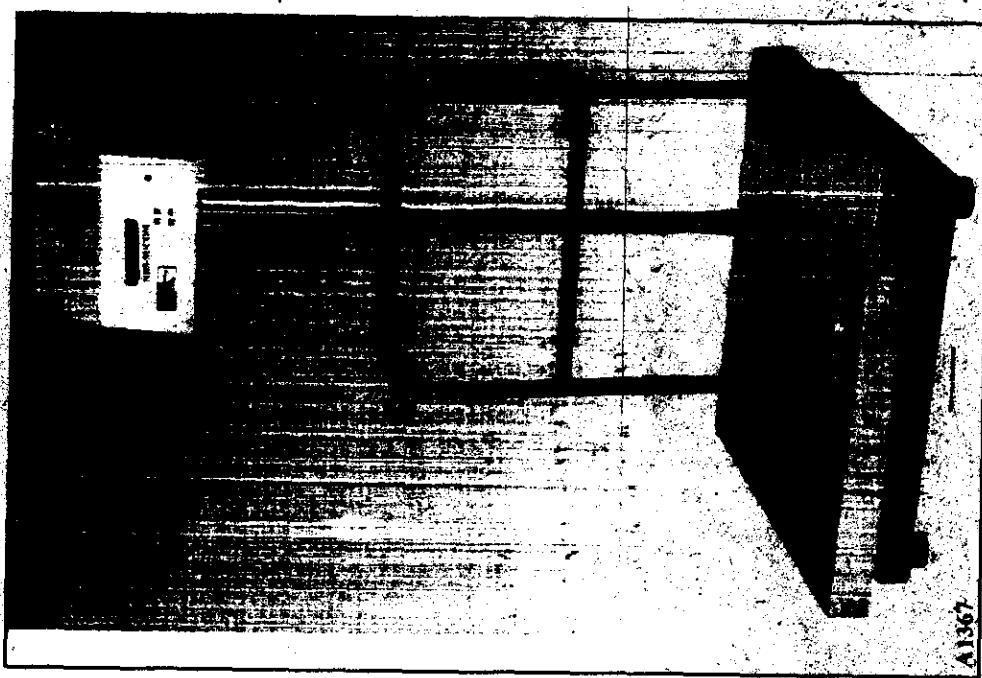
Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50kg. with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100 mg. to 2g and with verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (34) 2008]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 20 जून, 2008

का,आ, 2257.—केन्द्रीय सरकार का, विहित ग्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में बाणित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स एनडीएस सिस्टम्स, बिल्डिंग नं. ई-1, फ्लैट नं. 22, विमान नगर, गंगापुरम को-ओप. सोसाइटी, पुणे-14, महाराष्ट्र द्वारा मध्यम यथार्थता (यथार्थता वर्ग-III) के 'एनडीपी-7' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (एलेटफार्म प्रकार) और जिसके ब्राण्ड का नाम "एनडीएस-सुकोम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) जिसे अनुमोदन चिह्न आई एन डी/09/08/121 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।



आकृति 2 : मॉडल के सूचक के सीलिंग प्रावधान

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (एलेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

बॉटम एलेट में किए गए हॉल के माध्यम से और स्केल के सामने सीलिंग की जाती है, उसके बाद इन छिद्रों में से एक तार को पास किया जाता है और तार पर लीड सील फिक्स की जाती है। मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम नीचे दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. अथवा उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) के साथ 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

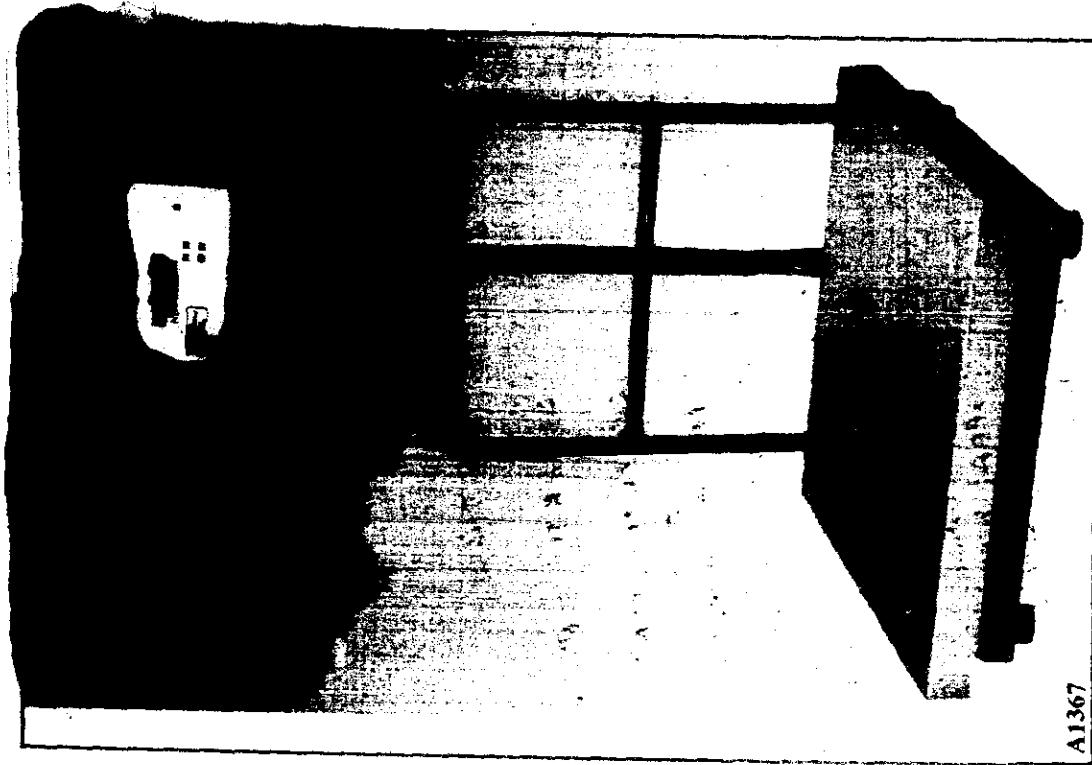
[फा. सं. डल्न्यू एम-21(34)/2008]

आर. माधुरवृथम, निदेशक, विभिन्न माप विज्ञान

New Delhi, the 20th June, 2008

S.O. 2257.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "NDP-7" and with brand name "NDS-SUCOM" (herein referred to as the said model), manufactured by M/s. NDS Systems, Building No. E-1, Flat No. 22, Viman Nagar, Ganga Puram Co-Op. Society, Pune-14, Maharashtra and which is assigned the aproval mark IND/09/08/121;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply.

Sealing is done through the holes made in the bottom plate and front of the indicator, then a wire is passed through these holes and the lead seal is fixed on the wire. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and upto 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1.8×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[I. No. WM-21 (34)/2008]

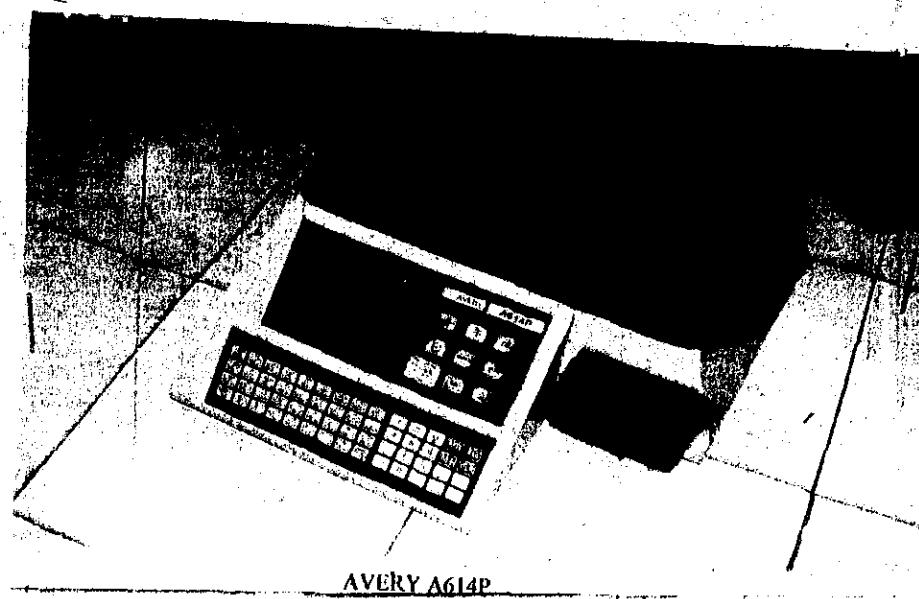
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 20 जून, 2008

का.आ. 2258.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स एवरी इंडिया लि, प्लाट नं. 50-59, सेक्टर-25, बल्लभगढ़-121004 (हरियाणा) द्वारा विनिर्मित माध्यम यथार्थता (यथार्थता वर्ग-III) बाले 'एमआई-जेपी-11' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के माडल का जिसके ब्राण्ड का नाम "एवरी" है (जिसे इसमें इसके पश्चात उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/04 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबलटाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 12 कि.ग्रा. है और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शात प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्याप्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति 2: मॉडल की आकृति

सील करने के बिन्दु की स्थिति स्टेप्पिंग स्थान के पास अपर केस पर होती होगी तथा सीलबंदी तार और लीड द्वारा की जाएगी तथा बोल्ट तथा सूचक के अपर केस में तार डालते हुए सील बन्द किया जाएगा। माडल के सीलिंग प्रावधान का स्कीमबार डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिसमें उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता बाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (299)/2007]

आर. माथुरनूर्थम, निदेशक, विधिक माप विज्ञान

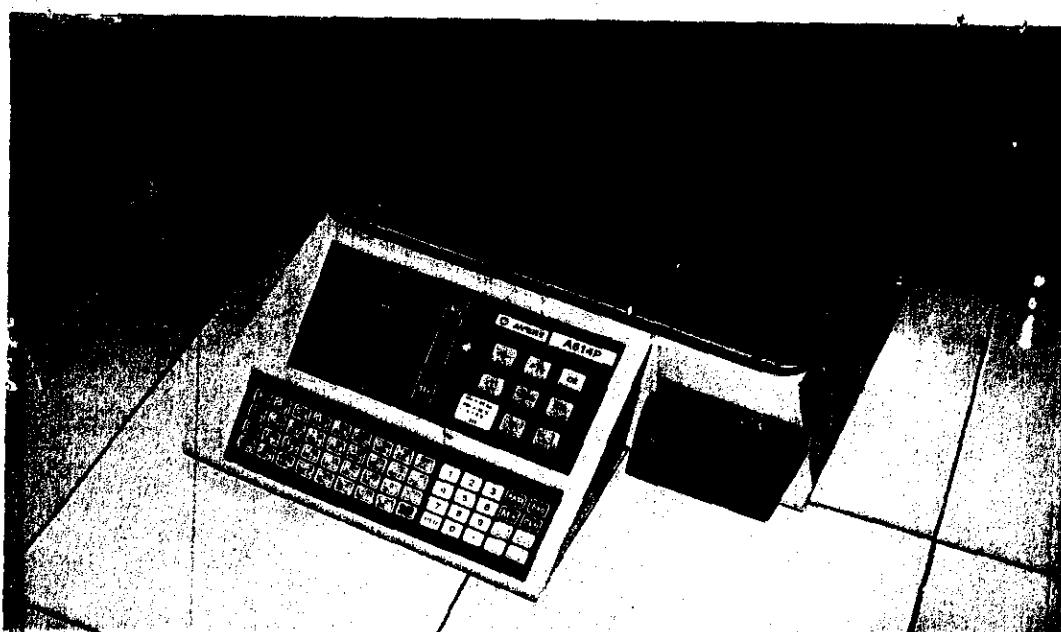
New Delhi, the 20th June, 2008

S.O. 2258.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication of "NDT-7" series of medium accuracy (Accuracy class-III) of series "A614P" and with brand name "AVERY" (hereinafter referred to as the said model), manufactured by M/s. Avery India Limited, Plot No. 50-59, Sector-25, Ballabgarh-121004 (Haryana) and which is assigned the approval mark IND/09/08/04;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 12 kg. and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure 1 : Model



AVERY A614P

Sealing point location is near stamping place at upper case and sealing through wire and lead, passing wire through sealing bolt and upper case of the indicator. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (299)/2007]
R. MATHURBOOTHAM, Director of Legal Metrology

कोयला मंत्रालय

नई दिल्ली, 7 अगस्त, 2008

का. आ. 2259.—केंद्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का.आ. 1734 तारीख 10 अक्टूबर, 2007 द्वारा जो भारत के राजपत्र, भाग II, खण्ड-3, उपखंड (ii) तारीख 10 अक्टूबर, 2007 में प्रकाशित की गई थी, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि और अधिकारों के अर्जन करने के अपने आंशय की सूचना दी थी;

और, उक्त अधिनियम की धारा 8 के अनुसारण में सक्षम प्रधिकारी ने केंद्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार का पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और उड़ीसा सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में यथावर्णित 1190.03 हेक्टर (लगभग) या 2940.57 एकड़ (लगभग) मापवाली भूमि और ऐसी भूमियों के सभी अधिकार अर्जित किए जाने चाहिए;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इससे उक्त अनुसूची में यथावर्णित 1190.03 हेक्टर (लगभग) या 2940.57 एकड़ (लगभग) मापवाली भूमि और ऐसी भूमियों के सभी अधिकार अर्जित किए जाते हैं।

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. पीओ. बल कोणार्क/9(1) अधिसूचना प्लान 42, तारीख 31 मार्च, 2008 का निरीक्षण कलेक्टर अनंगुल (उड़ीसा) के कार्यालय में या कोयला नियंत्रक 1, कार्डिसिल हाउस स्ट्रीट, कोलकाता, पिनकोड- 700001 के कार्यालय में या महाप्रबंधक (एल/आर एंड आर), महानदी कोलफील्ड लिमिटेड, डाकघर-जागृति विहार, बुर्ला, संबलपुर, उड़ीसा पिन-768020 के कार्यालय में किया जा सकेगा।

अनुसूची

कोणार्क ब्लॉक, तालचेर कोलफील्ड, तहसील- तालचेर, जिला-अंगुल (उड़ीसा)

(रेखांक सं. पीओ/बल/कोणार्क/9(1) अधिसूचना प्लान/42 तारीख 31 मार्च, 2008)

क्रम सं.	मौजा/ग्राम का नाम	पटवारी संकिल/टी एल सं.	तहसील/पीएस	जिला	कुल क्षेत्र (हेक्टर में)	टिप्पणियां
1.	सोलड़ा	12	तालचेर	अंगुल	873.62	भाग
2.	बनवासपुर	10	तालचेर	अंगुल	158.14	भाग
3.	तेलीपुर	13	तालचेर	अंगुल	54.56	भाग
4.	खुरिंगा	14	तालचेर	अंगुल	24.12	भाग
5.	प्रसन्ननगर	19	तालचेर	अंगुल	79.59	भाग

कुल क्षेत्र-1190.03 हेक्टर (लगभग) या 2940.57 एकड़ (लगभग)।

*राजस्व अभिलेख के अनुसार

ग्राम सोलड़ा (भाग) में अर्जित प्लॉट संख्या—

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426,

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ग्राम बनवासपुर (भाग) में अंजित प्लाट संख्या :

62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472

473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 871, 872(P), 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 1007, 1008, 1009, 1010, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051(P), 1053(P), 924/1081, 274/1082, 78/1083, 77/1084, 75/1085, 74/1086, 73/1087, 71/1088, 88/1089, 160/1092, 315/1093, 515/1094, 374/1096, 324/1097, 166/1101, 659/1104, 416/1105, 101/1106, 660/1107, 294/1108, 278/1109, 976/1110, 975/1111, 692/1113, 416/1115, 695/1116, 339/1117, 530/1118, 493/1119, 493/1120, 480/1121, 480/1122, 423/1123, 286/1124, 539/1125, 540/1126, 540/1127, 921/1128, 623/1129, 956/1130, 822/1131, 921/1132, 921/1133, 825/1134, 474/1135, 938/1136, 690/1137, 348/1138, 622/1139, 652/1140, 299/1141, 670/1142, 670/1143, 652/1144, 679/1145, 377/1149, 923/1152, 970/1153, 890/1154, 923/1155, 846/1156, 846/1157, 926/1158, 322/1159, 363/1160, 363/1163, 412/1164, 412/1165, 413/1166, 414/1167, 475/1168, 453/1169, 962/1170, 965/1171, 330/1172, 927/1173, 278/1174, 546/1175, 927/1177, 923/1178, 547/1179, 867/1181, 666/1182, 355/1186, 935/1187, 611/1188, 609/1189, 339/1192, 821/1193, 821/1194, 923/1195, 803/1196, 123/1197, 661/1198, 143/1199, 92/1200, 274/1201, 119/1203, 943/1204, 577/1205, 771/1206, 771/1207, 908/1208, 654/1209, 66/1213, 759/1214, 753/1217, 476/1219, 454/1220, 377/1221, 377/1222, 377/1223, 1033/1224, 267/1225, 260/1226, 436/1227, 960/1228, 540/1229, 416/1230, 476/1231, 340/1232, 342/1233, 270/1234, 270/1235, 270/1236, 270/1237, 132/1238, 136/1239, 230/1240, 553/1241, 252/1242, 78/1243, 78/1244, 89/1245, 290/1246, 296/1247, 1037/1248, 546/1249, 110/1250, 62/1251, 296/1252, 270/1253, 370/1256, 751/1257, 818/1259, 530/1260, 530/1261, 361/1262, 421/1263, 424/1264, 813/1265, 424/1266, 818/1267, 673/1268, 921/1269, 931/1270, 184/1271, 227/1272, 279/1273, 135/1274, 370/1275, 374/1276, 374/1277, 191/1278, 565/1279, 846/1280, 667/1285, 968/1286, 967/1287, 884/1288, 885/1289, 1041/1290, 80/1291, 82/1292, 77/1293, 722/1294, 715/1295, 699/1296, 540/1297, 540/1298, 912/1299, 912/1300, 864/1303, 870/1307

ग्राम तेलीपुर (भाग) में अंजित प्लाट संख्या

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39(2), 40, 41, 42, 43, 44, 45, 46, 59, 60, 61, 62, 65, 66, 67, 68, 73, 74, 75(5), 76, 79, 80, 81, 82, 85, 86, 93, 94, 95, 96, 98, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 27/896, 664/906, 664/907, 878/910, 888/915, 651/927, 656/935, 88/1939, 881/940, 835/941, 543/942, 81/943, 99/945, 99/946, 884/951, 29/852, 22/969, 663/974, 24/978, 649/1003, 1/1006, 10/1010, 35/1015, 35/1016, 894/1017, 333/1018, 664/1029, 888/1044, 881/1045, 43/1050, 3/1093, 3/1094, 3/1095, 3/1096, 3/1097, 3/1098, 3/1099, 3/1100, 3/1101, 3/1102, 3/1103,

ग्राम खरींगा (भाग) में अंजित प्लाट संख्या :

61, 62, 63, 64, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 181, 182, 183, 184(ग), 185(ग), 186(ग), 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350(ग), 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 357/452, 182/453, 163/461, 156/465, 156/466, 422/467, 142/468, 439/472, 61/474, 156/475, 157/476, 151/479, 401/483, 165/488, 193/490, 192/492, 196/493, 196/494, 196/495, 197/496, 199/497, 150/499, 150/500, 440/504, 236/507, 214/509, 433/516, 432/517, 182/518, 183/519, 62/520, 419/522, 419/523, 60/525, 187/526, 187/527, 172/529, 172/530, 425/541, 172/542, 186/543,

186/544, 186/545, 186/546, 186/547(भा), 186/548(भा), 184/551, 184/552, 151/558, 338/559, 160/564, 342/567, 116/569, 444/571, 444/572, 444/573, 410/575, 410/576, 410/577, 410/578, 217/579, 217/580, 217/581, 211/582, 211/583, 391/586, 391/587, 445/588, 401/589, 436/594, 436/595, 443/596, 443/597, 184/599, 184/600(भा), 184/601

ग्राम प्रसन्ननगर (भाग) में अर्जित प्लाट संख्याः :

1(भा), 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 53(भा), 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755(भा), 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 543/1665, 438/1675, 751/1678, 744/1681, 64/1682, 106/684, 65/1686, 75/1687, 219/1689, 671/1690, 404/1691, 405/1693, 116/1695, 413/1696, 281/1697, 139/1698, 13/1699, 88/1700, 679/1701, 151/1702, 82/1703, 152/1705, 718/1706, 155/1707, 732/1708, 90/1709, 711/1710, 511/1713, 437/1714, 634/1715, 370/1716, 93/1717, 605/1718, 435/1719, 614/1720, 532/1721, 698/1722, 713/1725, 736/1726, 358/1727, 523/1732, 678/1734, 589/1735, 525/1736, 525/1737, 447/1738, 687/1741, 647/1742, 463/1745, 11/1746, 662/1747, 66/1752, 208/1756, 691/1757, 346/1760

सीमा विवरण

ए-बी-सी : रेखा बिन्दु "ए" से प्रारंभ होती है जो बनवासपुर और बाघवासपुर गाँवों का द्वाई जंक्शन है इसके बाद रेखा बिन्दु ग्राम बनवासपुर और बाघवासपुर गाँवों की साझी सीमा से गुजरती हुई बिन्दु "बी" पर मिलती है, इसके बाद बाघवासपुर और सोलड़ा गाँवों की साझी ग्रामीण सीमा से होती हुई बिन्दु "सी" पर मिलती है।

सी-डी-ई-एफ-जी: रेखा सोलड़ा-रंजागोल, सोलड़ा, सरांग, सोलड़ा-कंधबेरेणी, सोलड़ा-खजुरिया गाँवों की साझी सीमा से होती हुई बिन्दु "डी" पर मिलती है, जो सोलड़ा खजुरिया और तेलीपुर गाँवों का द्वाईजंक्शन है। इसके बाद सोलड़ा और तिलेईपसी गाँवों की साझी सीमा से जाती हुई बिन्दु "ई" पर मिलती है, जो सोलड़ा, तिलेईपसी और सत्यवादीपुर गाँवों का द्वाईजंक्शन है। इसके बाद सोलड़ा-सत्यवादीपुर, प्रसन्ननगर, सत्यवादीपुर, प्रसन्ननगर-तिलेईपसी, प्रसन्ननगर-निलाद्रीपुर, प्रसन्ननगर-सरांग की साझी सीमा से होती हुई बिन्दु "एफ" पर मिलती है, जो प्रसन्ननगर, सरांग और नकर्ईपसी गाँवों का द्वाईजंक्शन बिन्दु है। इसके बाद रेखा प्रसन्ननगर और नकर्ईपसी गाँवों की आंशिक साझी सीमा से होकर गुजरती हुई बिन्दु "जी" पर मिलती है।

जी-एच-आई-जे: रेखा प्लाट सं. 799 की पश्चिमी सीमा, प्लाट सं. 791 की दक्षिणी सीमा, प्लाट सं. 970, 789 की दक्षिणी और आंशिक पश्चिमी सीमा से होकर गुजरती है, इसके बाद प्लाट सं. 788 की उत्तरी सीमा के पास बंगाल नाला को पार करती है और प्लाट सं. 756, 755 से होकर गुजरती हुई बिन्दु "जे" पर मिलती है। इसके बाद प्रसन्ननगर और सोलड़ा गाँवों की साझी सीमा से होकर गुजरती है, प्लॉट सं. 5998, 5999, 6000 की दक्षिणी सीमा, प्लॉट सं. 6001, की पश्चिमी सीमा, प्लॉट सं. 6006, 6008, 5984 की दक्षिणी सीमा, 5979 की दक्षिणी-पूर्वी, प्लॉट सं. 5940, 5941 की दक्षिणी सीमा, प्लॉट सं. 5946, 5468 की दक्षिणी-पश्चिमी सीमा, प्लॉट सं. 5467 की पश्चिमी सीमा, प्लॉट सं. 5462, 5463, 5455 की दक्षिणी सीमा, इसके बाद प्लॉट सं. 5418(पो) से होकर गुजरती है, इसके बाद प्लॉट सं. 5428, 5439, 5438, 5437, 5436 की दक्षिणी सीमा, सोलड़ा ग्राम की प्लाट सं. 5435 की पश्चिमी बिन्दु "के" पर मिलती है। इसके बाद प्लॉट सं. 112 की पश्चिमी

सीमा के साथ, प्लॉट सं. 1684 की दक्षिणी सीमा के साथ चलती हुई प्लॉट सं. 53(पी) से होकर गुजरती है, इसके बाद प्लॉट सं. 64, 14 की दक्षिणी और पश्चिमी सीमा, प्लॉट सं. 1699, 12 की आंशिक दक्षिणी और पश्चिमी सीमा तथा 10, 9, 8 की पश्चिमी सीमा और प्रसन्ननगर गाँव की प्लॉट सं. 1 से होकर गुजरती हुई भाग "जे" पर मिलती है।

जे-के : इसके बाद रेखा प्लॉट सं. 4882 की आंशिक दक्षिणी सीमा के साथ चलती है और उसी प्लॉट सं. 4882 से होकर गुजरती है, इसके बाद प्लॉट सं. 4888, 4889, 4894, 4893, 4913 की दक्षिणी सीमा से होकर गुजरती है, इसके बाद पूर्वी प्लॉट सं. 4888, 4889, 4894, 4893, 4913 के दक्षिणी सीमा से होकर गुजरती है, इसके बाद प्लॉट सं. 4915 की पूर्वी और दक्षिणी सीमा, 4916, 4918, 4919 की दक्षिणी सीमा, इसके बाद प्लॉट सं. 4944, 4943 की पूर्वी दक्षिणी सीमा, प्लॉट सं. 4942, 4941, 4972 की दक्षिणी सीमा, प्लॉट सं. 4974 की पूर्वी एवं दक्षिणी सीमा, 4978, 6590, 4979 की पूर्वी सीमा, इसके बाद प्लॉट सं. 4989, 4987, 5200, 5192, 5198 से होकर गुजरती है, इसके बाद प्लॉट सं. 5197 5196, 5186 की दक्षिणी सीमा, प्लॉट सं. 5785, 5182 से होकर गुजरती है, इसके बाद प्लॉट सं. 5097 की उत्तरी सीमा, इसके बाद प्लॉट सं. 5098 से होकर गुजरती है, प्लॉट सं. 5098 की आंशिक दक्षिणी सीमा, इसके बाद 5097 की पश्चिमी, उत्तरी एवं पूर्वी सीमा, प्लॉट सं. 5091 की पश्चिमी और दक्षिणी सीमा, इसके बाद प्लॉट सं. 5092 की पूर्वी-दक्षिणी सीमा, इसके बाद प्लॉट सं. 5094 की पश्चिमी एवं दक्षिणी सीमा, इसके बाद प्लॉट सं. 6361 की पश्चिमी, दक्षिणी और पूर्वी सीमा और प्लॉट सं. 5108 और 5116, 6091 से होकर गुजरती है और बिन्दु "के" पर मिलती है जो सोलडा और बीरबरपुर गाँवों की सीमा है।

के-एल-एम : रेखा सोलडा और बीरबरपुर गाँवों की साझी ग्रामीण सीमा से होकर गुजरती हुई उत्तर और पश्चिम में जाकर बिन्दु "एल" पर मिलती है इसके बाद बीरबरपुर, खुरिंगा गाँवों की साझी आंशिक ग्रामीण सीमा से होकर गुजरती है, इसके बाद खुरिंगा गाँव की प्लॉट सं. 548, 547, 186, 185, 599, 184, 600 से होकर गुजरती है। इसके बाद खुरिंगा गाँव की आंशिक दक्षिणी सीमा पर गुजरती है, जो खुरिंगा और कलमद्वीप गाँवों की साझी सीमा है और बिन्दु "एम" पर मिलती है।

एम-एन : रेखा प्लॉट सं. 181, 178, 177, 525 की पश्चिमी सीमा से होकर गुजरती है। प्लॉट सं. 511 की पश्चिमी और उत्तरी सीमा, प्लॉट सं. 61, 64 की पश्चिमी सीमा, प्लॉट सं. 154, 153, 468, 150 की पश्चिमी और उत्तरी सीमा, प्लॉट सं. 499, 199 की उत्तरी सीमा, प्लॉट सं. 579, 580 की पश्चिमी और उत्तरी सीमा प्लॉट सं. 217 और 216 की उत्तरी सीमा, प्लॉट सं. 215 की पश्चिमी और उत्तरी सीमा, प्लॉट सं. 309 की पश्चिमी सीमा, प्लॉट सं. 507 की पश्चिमी और उत्तरी सीमा, प्लॉट सं. 427, 567, 393 की पश्चिमी सीमा, इसके बाद प्लॉट सं. 392, 587, 596, 391, 390, 397, 398, 365, 330, 329, 328, 327, 323, 322 की दक्षिणी-पश्चिमी और उत्तरी सीमा, खुरिंगा गाँव की प्लॉट सं. 350 से होकर गुजरती हुई खुरिंगा और तेलीपुर गाँव की साझी ग्रामीण सीमा के बिन्दु "एन" पर मिलती है।

एन-ओ : रेखा खुरिंगा एवं तेलीपुर गाँवों की साझी ग्रामीण सीमा से होकर गुजरती है। इसके बाद प्लॉट सं. 844, 843, 842 की पश्चिमी सीमा से होकर गुजरती है, इसके बाद प्लॉट सं. 671, 669, 668, 667, 666 की पश्चिमी सीमा, प्लॉट सं. 665 की दक्षिणी सीमा एवं प्लॉट सं. 664, 663 की दक्षिणी एवं पश्चिमी सीमा, इसके बाद प्लॉट सं. 643 की आंशिक दक्षिणी सीमा, प्लॉट सं. 642 की दक्षिणी और पश्चिमी सीमा एवं प्लॉट सं. 647, 648, 1003, 652, 653 की पश्चिमी सीमा इसके बाद प्लॉट सं. 654 की पश्चिमी और उत्तरी सीमा एवं प्लॉट सं. 655 की उत्तरी सीमा इसके बाद तेलीपुर और सोलडा गाँवों की आंशिक ग्रामीण साझी सीमा, जो सोलडा गाँव की प्लॉट सं. 657 की पश्चिमी सीमा का बिन्दु भी है और बिन्दु "ओ" पर मिलती है।

ओ-पी : रेखा प्लॉट सं. 945, 98, 96 की दक्षिणी और पश्चिमी सीमा, प्लॉट सं. 93 की दक्षिणी सीमा, प्लॉट सं. 94 की दक्षिणी और पश्चिमी सीमा, प्लॉट सं. 81, 86, 85, 82, 79 की दक्षिणी सीमा, इसके बाद प्लॉट सं. 76 की दक्षिणी और आंशिक पश्चिमी सीमा और प्लॉट सं. 75 से होकर गुजरती है, इसके बाद प्लॉट सं. 73, 68, 67, 66 की दक्षिणी सीमा तथा प्लॉट सं. 65 की दक्षिणी और आंशिक पश्चिमी सीमा, प्लॉट सं. 62, 61 की दक्षिणी सीमा, इसके बाद प्लॉट सं. 60 की दक्षिणी एवं आंशिक पश्चिमी सीमा, इसके बाद प्लॉट सं. 59, 45, 46, 40 की दक्षिणी सीमा, इसके बाद प्लॉट सं. 39 से गुजरती है और बिन्दु "पी" पर मिलती है जो तेलीपुर और बनवासपुर की साझी ग्रामीण सीमा है।

पी-क्यू : बनवासपुर गाँव की प्लॉट सं. 1051, 1053 से होकर रेखा गुजरती है, इसके बाद प्लॉट सं. 1020, 1018, 1007, 1008, 1009, 1010, 1110, 1111 की दक्षिणी सीमा से होकर गुजरती है, प्लॉट सं. 972 की आंशिक पूर्वी सीमा, प्लॉट सं. 974 की पूर्वी एवं दक्षिणी सीमा, प्लॉट सं. 872 से होकर गुजरती है, इसके बाद प्लॉट सं. 872, 855, 850, 771, 772, 759, 1214, 1268 की दक्षिणी सीमा से होकर गुजरती है, इसके बाद प्लॉट सं. 67 की आंशिक पूर्वी सीमा, बनवासपुर गाँव की प्लॉट सं. 653 एवं 652 की दक्षिणी सीमा से होती हुई बिन्दु-क्यू पर मिलती है, जो बनवासपुर, गोपालप्रसाद, खमार और पाराबेड़ा गाँवों के ट्राई जंक्शन पर स्थित है।

क्यू-आर-एस-ए : रेखा बनवासपुर और गोपालप्रसाद गाँवों की साझी ग्राम सीमा से गुजरती है, बनवासपुर और चितलपुर गाँवों की आंशिक साझी सीमा के बिन्दु-क्यू पर मिलती है। इसके बाद प्लॉट सं. 1151 की पश्चिमी सीमा से होकर गुजरती है, प्लॉट सं. 1090 की उत्तरी पूर्वी सीमा, प्लॉट सं. 628, 627 की उत्तरी सीमा, प्लॉट सं. 1091 की उत्तरी और पूर्वी सीमा, प्लॉट सं. 626 की आंशिक उत्तरी सीमा, प्लॉट सं. 51 की पूर्वी और उत्तरी सीमा तथा प्लॉट सं. 50 को पार करती हुई बिन्दु-आर पर मिलती है। इसके बाद बनवासपुर और चितलपुर गाँवों की आंशिक ग्राम सीमा को पार करती हुई प्रारंभिक बिन्दु-ए पर मिलती है।

[संख्या-43015/21/2004-पी आर आई डब्ल्यू-। (खण्ड-II)]

एम. शहाबुद्दीन, अवर सचिव

MINISTRY OF COAL

New Delhi, the 7th August, 2008

S.O. 2259—Whereas, by the notification of the Government of India in the Ministry of Coal number S.O.1734(E) dated the 10th October 2007, issued under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957(20 of 1957), (hereinafter referred to as the said Act) and published in the Gazette of India in Part-II, section 3 sub-section (ii), Dated the 11th October 2007, the Central Government gave notice of its intention to acquire the lands and all rights in or over such lands in the locality specified in the Schedule appended to that notification;

And, whereas, the competent authority in pursuance of section 8 of the said Act, has made his report to the Central Government;

And, whereas, the Central Government after considering the report aforesaid and after consulting the Government of Orissa, is satisfied that the lands measuring 1190.03 hectares (approximately) or 2940.57 Acres (approximately) and all right in or over such lands as described in the Schedule appended hereto, should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957(20 of 1957), the Central Government hereby declares that the land measuring 1190.03 hectares (approximately) or 2940.57 Acres (approximately) and all rights in or over such lands as described in the said Schedule are hereby acquired.

The plan bearing number P.O./Bal/Konark/9(1) Notification Plan/42 dated the 31st March, 2008 of the area covered by this notification, may be inspected in the office of the Collector, Angul or in the Office of the Coal Controller-I, Council House Street, Kolkata, Pin Code-700001 or in the office of the General Manager (L/R&R), Mahanadi Coalfields Limited, Post Office Jagriti Vihar, Burla, Sambalpur (Orissa) -768020.

SCHEDULE

KONARK BLOCK

Talcher Coalfields

TAHASIL - TALCHER, DISTRICT - ANGUL (ORISSA)

(Plan No. P.O/Bal/Konark/9(1) Notification Plan/42 dated the 31st March, 2008)

All Rights

Serial numbers	Name of Mouja/village*	Patwari circle/TL number*	Tahsil/PS*	District	Area (in hectares)	Remarks
1	Solada	12	Talcher	Angul	873.62	Part
2	Banabaspur	10	Talcher	Angul	158.14	Part
3	Telipur	13	Talcher	Angul	54.56	Part
4	Khuringa	14	Talcher	Angul	24.12	Part
5	Prasannagar	19	Talcher	Angul	79.59	Part

Total area: 1190.03 hectares (approximately) or 2940.57 acres (approximately)

*as per Revenue records.

Plot numbers acquired in village Solada [Part]

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375,

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Plots numbers acquired in village Prasannagar [Part]

1(P), 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 53(P), 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323,

324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 456, 457, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 756(P), 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 543/1665, 438/1675, 751/1678, 744/1681, 64/1682, 106/1684, 65/1686, 75/1687, 219/1689, 671/1690, 404/1691, 405/1693, 116/1695, 413/1696, 281/1697, 139/1698, 13/1699, 88/1700, 679/1701, 151/1702, 82/1703, 152/1705, 718/1706, 155/1707, 732/1708, 90/1709, 711/1710, 511/1713, 437/1714, 634/1715, 370/1716, 93/1717, 605/1718, 435/1719, 614/1720, 532/1721, 698/1722, 713/1725, 736/1726, 358/1727, 523/1732, 678/1734, 589/1735, 525/1736, 525/1737, 447/1738, 687/1741, 647/1742, 463/1745, 11/1746, 662/1747, 66/1752, 208/1756, 691/1757, 346/1760.

BOUNDARY DESCRIPTION

A-B-C - Line started at point "A" which is the Tri-junction point of village Banbaspur & Baghabaspur, then line passes over the common village boundary of village Banbaspur & Baghabaspur, then meet at point "B", the line again passes over the common village boundary of village Baghabaspur & Solada meet at point "C".

C-D-E-F-G - Line passes over the common village boundary of village Solada-Ranjagol, Solada-Saranga, Solada-Kandhabereni, Solada-Khajuria meets at point D which is the Tir-junction point of village Solada, Khajuria and Tileipasi. Then Passes over the common village boundary of village Solada and Tileipasi meets at point E which is Tri-Junction point of village Solada, Tileipasi and Satyabadipur. Then passes over the common village boundary of village Solada-Satyabadipur, Prasannagar-Satyabadipur, Prasannagar- Tileipasi, Prasannagar- Niladripur, Prasannagar-Saranga meet at point F which is the Tri-Junction point of village Prasannagar, Saranga and Nakeipasi. Then line passes over the part common village boundary of village Prasannagar and Nakeipasi meets at point G.

G-H-I-J - Line passes over the western boundary of plot No. 799 southern boundary of plot No. 791 southern and part western boundary of plot No. 790, 789 then cross the Bangaru nala over the northern boundary of plot No. 788, and passes through plot No. 756, 755 meet at point "H" then passes through the common village boundary of village Prasannagar and Sofada southern boundary of 5998, 5999, 6000 western boundary of plot No. 6001 southern boundary of plot No. 6006, 6008, 5984, southern and eastern 5979 southern boundary of plot No. 5940, 5941 southern and western boundary of plot No. 5946, 5468 western boundary of plot No. 5467 southern boundary of the plot No. 5462, 5463, 5455, then passes through plot No. 5418 (P) then southern boundary plot No. 5428, 5439, 5438, 5437, 5436, southern and western of village Solada 5435, meets at point "I" then passes along the western boundary of plot No. 112 Southern boundary of plot No. 1684, passes through plot No. 53 (P) then southern and western boundary of plot No. 64, 14, part southern and western 1699, 12 and western 10,9,8 passes through plot No. 1 of village Prasannagar and meets at part "J".

J-K - Then line passes along the part southern boundary of plot No. 4882 and passes through the same plot 4882 then passes over the southern boundary of plot No. 4888, 4889, 4894, 4893, 4913 then eastern and southern plot No. 4915 southern boundary of plot No. 4916, 4918, 4919 then eastern and southern boundary of plot No. 4944, 4943 southern boundary of plot No. 4942, 4941, 4972 eastern and southern boundary of plot No. 4974 eastern boundary of 4978, 6590, 4979 then passes through plot No. 4989, 4987, 5200, 5192, 5198 then southern boundary of plot No. 5197, 5196, 5186, and passes through plot No. 5185, 5182 then northern boundary of plot No. 5181, then passes through plot No. 5098, part southern boundary of plot No. 5098 then western northern and eastern boundary of 5097, western and southern boundary of Plot No. 5091, then eastern southern boundary of plot No. 5092, then western and southern boundary of Plot No. 5094, then western southern and eastern boundary of Plot No. 6361, and passes through plot No. 5108 and 5116, 6091 meets at point "K" which is the village boundary of Solada and Birabarpur.

K-L-M - Line passes over the common village boundary of village Solada and Birabarpur towards north and west meet at point "L" then passes over the part common village boundary of village Birabarpur, Khuringa then passes through plot No. 548, 547, 186, 185, 599, 184, 600 of village Khuringa then passes over the part southern village boundary of village Khuringa which is also the common village boundary of Khuringa and Kalamachhuin meets at point "M".

M-N - line passes over the western boundary of plot No. 181, 178, 177, 525 western and northern boundary of plot No. 511 western boundary of plot No. 61, 64 western and northern of plot No. 154, 153, 468, 150 northern boundary of plot No. 499, 199 western and Northern boundary of 579, 580 the northern boundary of plot No. 217 and 216 western and northern boundary of plot No. 215, western boundary of plot 509 western and northern boundary of plot No. 507 western

boundary of plot No. 427, 567, 393 then southern western and northern boundary of plot No. 392, 587, 596, 391, 390, 397, 398, 365, 329, 328, 327, 323, 322, and passes through No. 350 of village Khuringa and common village boundary of village Khuringa and Telipur meets at point "N".

N-Q - line passes through common village boundary of Khuringa and Telipur then, passes over the Western boundary of plot No. 844, 843, 842, passes over plot No. 550 then, western boundary of plot No. 671, 669, 668, 667, 666 Southern boundary of plot No. 665 southern & western boundary of plot No. 664, 663 then part Southern boundary of Plot No. 643, southern and western boundary of Plot No. 642, western boundary of Plot No. 647, 648, 1003, 652, 653 then, western & northern of plot No. 654 northern boundary of plot No. 655 then, passes over the part common village boundary of village Telipur & Solada which is also the point western boundary of plot No. 657 of village Solada meet at point "O"

O-P - line passes over the southern & western of plot No. 945, 98, 96 southern boundary of plot No. 93 southern & western boundary of plot No. 94 Southern boundary of plot No. 81, 86, 85, 82, 79 then, southern & part western boundary of plot No. 76 passes through plot No. 75 then, southern boundary of plot No. 73, 68, 67, 66 & southern & part western boundary of plot No. 65 southern boundary of plot No. 62, 61 then, south & part western boundary plot No. 60 then southern boundary of plot No. 59, 45, 46, 40 then, passes through plot No. 39 & meet at point "P" which is common village boundary of Telipur & Banabaspur.

P-Q - Line passes through plot No. 1051, 1053 of village Banabaspur then, passes over the southern boundary of plot No. 1020, 1018, 1010, 1007, 1008, 1009, 1010, 1110, 1111 part eastern boundary of plot No. 972 eastern & Southern boundary of plot No. 974 passes through plot No. 872 then, passes over the southern boundary of plot No. 872, 853, 850, 771, 772, 759, 1214, 1268 then, part eastern plot No. 67 southern boundary of plot No. 653 & 652 of village Banabaspur & meet at point "Q" at the trijunction point of village Banabaspur, Gopalprasad Khamar & Parabeda.

Q-R-S-A—Line passes over the common village boundary of village Banabasapur and Gopalprasad, Part common village boundary of village Banabasapur and Chitalpur meets at point "Q", then Passes over the western boundary of Plot No. 1151, Northern and Eastern boundary of plot No. 1090, part Northern boundary of plot No. 628, 627, Northern and Eastern boundary of Plot No. 1091, part Northern boundary of plot No. 626, eastern and Northern boundary of plot No. 51, and cross plot 50 meets at point "R". Then passes over part common village boundary of village Banasapur & Chitalpur and meets at starting point "A".

[No. 43015/21/2004-PRIW-I (Vol. II)]

M. SHAHABUDDIN, Under Secy.

पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय

नई दिल्ली, 8 अगस्त, 2008

का, आ. 2260.—तेल उद्योग (विकास) अधिनियम 1974 (1974 का 47 की धारा 3 की उपधारा (4) के द्वारा प्रदत्त की गई शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा श्री आर एस. पाण्डेय, सचिव, पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय को 1 अगस्त, 2008 पर्वाइन और अगला आदेश जारी होने तक श्री एम. एस. श्रीनिवासन के स्थान पर तेल उद्योग विकास बोर्ड के अध्यक्ष के रूप में नियुक्त करती है।

[सं. जी. 35012/2/91-वित्त-11]

मीरा शेखर, अवग सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 8th August, 2008

S.O. 2260.—In exercise of the powers conferred by Sub-section (4) of Section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints, with effect from the forenoon of the 1st August, 2008 and until further orders, Shri R.S. Pandey, Secretary, Ministry of Petroleum and Natural Gas, as the Chairman of the Oil Industry Development Board vice Shri M.S. Srinivasan.

[No. G-35012/2/91-प्राकृतिक गैस-11]

MEERA SHEKHAR, Under Secy.

नई दिल्ली, 12 अगस्त, 2008

का, आ. 2261.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 974 तारीख 04 अप्रैल, 2007, जो भारत के रजपत्र तारीख 7 अप्रैल, 2007, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मुद्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से गुजरात राज्य में मुन्दा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन विधान के प्रयोग के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी।

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 31 मई, 2007, को उपलब्ध करा दी गई थी;

और सक्षम प्रधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर-31015/7/03 ओ. आर-II, दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अध्यधीन सभी विल्लेगोंसे सुकृत, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : बहादुरगढ़	जिला : झज्जर	राज्य : हरियाणा				
गाँव का नाम	हदबस्त संख्या	मुसातल संख्या छासर/किला संख्या	क्षेत्रफल	हेक्टेयर	एयर	कर्गमीटर
1. महन्दीपुर	50	14	1/1	00	01	00
		15	5/2	00	00	40
			6	00	01	80
			15	00	01	80
			16	00	01	70

[फ. सं. आर-31015/48/2004-ओ आर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 12th August, 2008

S. O. 2261.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 974, dated the 4th April, 2007, issued under sub-section (1) of Section 3 of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 7th April, 2007, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification, for the purpose of laying pipeline for transportation of petroleum products from Mundra in the state of Gujarat to Delhi through Mundra Delhi Petroleum Product Pipeline by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 31st May, 2007;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification, is hereby acquired for laying the pipeline;

Any further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of declaration in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter no. R-31015/7/03 OR-II, dated 25-11-2004.

SCHEDULE

Name of Village	Habdast No.	Musti No.	Khasra/Killa No.	Area Hectare	Area Are	Area Square Metre
1. Mehindipur	50	1/1	00	01	00	00
		5/2	00	00	40	80
		6	00	01	80	80
		15	00	01	80	80
		16	00	01	70	70

[File No. R-31015/48/2004/OR-II]

A. GOSWAMI, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 5 अगस्त, 2008

का. आ. 2262.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 16 अगस्त, 2008 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले ही प्रवृत्त हो चुकी है) अध्याय 5 और 6 [धारा-76 की उप-धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध आंध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“कन्याकुमारी जिला में नागरकोयिल के परिधि के क्षेत्र, पष्वरू भाग-1, पष्वरू भाग-2, इरुक्कण्णपुरै भाग-1, अलगनेरी, तिरुणलवेली जिला के राधापुरम तालुक के लेविन्चिपुरम, तथा कन्याकुमारी जिला में तेवली तालुक के इयसतिमंगलम के अन्तर्गत आने वाले राजस्व ग्राम।”

[सं. एस-38013/32/2008-एस.एस.-1]

एस. दो. जेवियर, अवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 5th August, 2008

S.O. 2262.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th August, 2008 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Tamil Nadu, namely :—

“Areas comprising the revenue villages of Peripherals of Nagercoil in Kanyakumari District, Pazhavoor Part-I, Pazhavoor Part-II, Irukkanthurai, Part-I Alaganeri, Levinchipuram of Radhapuram Taluk of Tirunelveli District and Easanthimangalam of Thovali Taluk in Kanyakumari District.”

[No. S-38013/32/2008-SS.I]

S. D. XAVIER, Under Secy.

नई दिल्ली, 5 अगस्त, 2008

का. आ. 2263.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों

का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 16 अगस्त, 2008 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले ही प्रवृत्त हो चुकी है) अध्याय 5 और 6 [धारा-76 की उप-धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध आंध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“आंध्र प्रदेश में स्थित मेदक जिले के हथनूर मण्डल में स्थित नास्तिपूर, मलकापूर, तुरकलखानपूर, चंदापूर एवं गुंदलमाचनूर तथा नरसापुर मण्डल में स्थित नरसापुर राजस्व गांव के सीमा के अंतर्गत आने वाले सभी क्षेत्र।”

[सं. एस-38013/33/2008-एस.एस.-1]

एस. दो. जेवियर, अवर सचिव

New Delhi, the 5th August, 2008

S.O. 2263.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th August, 2008 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely:—

“All the areas falling within the limits of Revenue Villages of Nastipur, Malkapur, Turakalakhhanapur, Chandapur and Gundlamachanur of Hathnoor Mandal and Narasapur Revenue Village of Narasapur Mandal in Medak District of Andhra Pradesh State.”

[No. S-38013/33/2008-SS.I]

S. D. XAVIER, Under Secy.

नई दिल्ली, 5 अगस्त, 2008

का. आ. 2264.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 16 अगस्त, 2008 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले ही प्रवृत्त हो चुकी है), अध्याय 5 और 6 [धारा-76 की उप-धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध आंध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“आंध्र प्रदेश के पश्चिम गोदावरी जिले के कापावरम, पौंगढ़ी, अय-पौंगढ़ी (I-पौंगढ़ी), कौल्वूर मण्डल के डेचराला और कोडाँगुडेम,

देवरापिल्ली मंडल के गौरीपटनम, डुड्कूरु और देवरापिल्ली पर लागू किए जायेंगे।"

[सं. एस-38013/34/2008-एस.एस.-1]

एस. दो. जेवियर, अवर सचिव

New Delhi, the 5th August, 2008

S.O. 2264.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th August, 2008 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Andhra Pradesh, namely :—

"The areas falling with in the Revenue Villages of Kappavaram, Pangidi, I-Pandidi, Decharia in Kovvur Mandal and Konda Gudem, Gowripatnam, Duddukuru and Deverapalli in Devarapalli Mandal in West Godavari District of Andhra Pradesh State."

[No. S-38013/34/2008-SS.I]

S. D. XAVIER, Under Secy.

नई दिल्ली, 5 अगस्त, 2008

का. आ. 2265.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 16 अगस्त, 2008 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले ही प्रवृत्त हो चुकी है) अध्याय 5 और 6 [धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध कर्नाटक राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

क्र. सं.	राजस्व ग्राम का नाम व नगरपालिका सीमाएं	होल्ली	तालुक	जिला
(1)	(2)	(3)	(4)	(5)
1.	बोमनहल्ली	कसाबा	भद्रावती	शिमोगा
2.	करेहल्ली	कसाबा	भद्रावती	शिमोगा

[सं. एस-38013/35/2008-एस.एस.-1]

एस. दो. जेवियर, अवर सचिव

New Delhi, the 5th August, 2008

S.O. 2265.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th August, 2008 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Karnataka, namely :—

Sl. No.	Name of the Revenue Hobli Village or Municipal Limits		Taluk	District
(1)	(2)	(3)	(4)	(5)
1.	Bommanahalli	Kasaba	Bhadra vathi	Shimoga
2.	Karehalli	Kasaba	Bhadra vathi	Shimoga

[No. S-38013/35/2008-SS.I]

S. D. XAVIER, Under Secy.

नई दिल्ली, 17 जुलाई, 2008

का. आ. 2266.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैं एलिटालिया एअरलाइंस के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार सरकार औद्योगिक अधिकरण/श्रम न्यायालय न.-II, नई दिल्ली, के पंचाट (संदर्भ सं. 71/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2008 को प्राप्त हुआ था।

[सं. एल-11012/84/98-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 17th July, 2008

S.O. 2266.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 71/1999) of the Central Government Industrial Tribunal-cum-Labour Court No. II New Delhi, now as shown in the Annexure, in the Industrial Dispute between the management of M/s. Alitalia Air Lines and their workmen, received by the Central Government on 15-7-2008.

[No. L-11012/84/98-IR(C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

**BEFORE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR
COURT-II, NEW DELHI**

Case No. I. D. 71/1999

Presiding Officer : R.N. RAI

In the Matter of :

Sh. Shivaji Guha,
S/o Late Sh. Ajit Kumar Guha,
84, Narmada Apartments,
New Delhi.

Versus

M/s. Alitalia Airlines,
Room No. 19, Airport Building,
AAI Cargo Complex,
IGI Airport, Terminal-II, New Delhi.

AWARD

The Ministry of Labour by its letter No. ALC-HQ/8(100)/97 Central Government dated 9-3-1999 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of Alitalia Airlines in retrenching Sh. Shiva Ji Guha w.e.f. 01-05-1993 is proper, legal and justified? Whether the workman is entitled to the benefits in accordance to the settlement arrived between the management and the Karamchari Sangathan w.e.f. 31-05-1993? If not, to what relief the workman is entitled to?”

The workman applicant has filed claim statement. In the claim statement it has been stated that the services of the claimant is wrongly and grossly illegally retrenched due to which the workman has suffered a lot and also continues to suffer mentally, economically and physically also, since the premature breach of contract of employment when the said workman is legally entitled to continue in the employment of the Company.

That in spite of the said settlement dated 31-5-93 with the Alitalia employees Association, the employees junior to the claimant, like Mr. Chandan Karakoti and others, have been paid more than what has been given to the claimant and it is the claimant alone who has been singled out and has not been paid the the requisite extra compensation as paid to other employees in lieu of that settlement, due to which also the claimant is seriously aggrieved.

That the claimant being an employee of M/s. Alitalia is legally entitled to be treated similarly like the other employees and is entitled to all the benefits which other employees of Alitalia have received in pursuance of the said settlement or to continue in the services. The claimant has also not been paid any amount arising out of the said

Settlement despite the fact of his being legally entitled to the same amount of Rs. 9 lakhs or more, which has been paid even to the employees junior to him and the claimant workman being the senior employee of the Alitalia is entitled to receive more than the juniors.

That the management has not only breached the terms and conditions of employment but also the terms and conditions of the settlement by illegally terminating the services of the claimant prematurely despite promise and assurance of necessary adjustment for which no compensation more particularly the additional compensation has been paid to him, whatsoever like other retrenched staff. Further no legally valid and proper notice of retrenchment as per mandatory requirement of 25-F of the Industrial Disputes Act, has been given to the workman.

Mr. Timoc, Personnel Manager (Far East) stationed in Bangkok wherein it was discussed by the concerned Managers that the claimant's case is being looked into and the claimant shall be adjusted or paid accordingly, although such a promise and assurance has not been fulfilled. On the other hand, the workman is also entitled to receive additional compensation of above Rs. 9 lakhs with interest at the rate of 20% per annum from the date of its payment to other retrenched employees till the date of its actual payment to the workman with cost and damages.

That the termination of the services of the workman in the given circumstances, is wrong, malafide and grossly illegal and in view of the fact that junior-most employees of the company have been adjusted and absorbed at the Airport in the Cargo Department whereas the claimant who being senior and also already working at the International Airport Delhi, instead of being adjusted, has been terminated and that too without payment of necessary dues and benefits, compensation, extra compensation as per the said settlement and cost and damages as paid to other employees in pursuance of the said settlement with the Alitalia Employees Association, for which the claimant was legally entitled.

It is, therefore, respectfully prayed that in the interest of justice, this Hon'ble Tribunal may kindly be pleased to:

- A. Pass an award in favour of the workman/claimant and against the Management, directing therein reinstatement with full back wages and continuity of service and seniority.
- B. Pass an award in favour of the workman/claimant and against the Management directing therein to put the workman on equal footing with other retrenched employees in the matter of distribution of additional/ extra compensation of Rs. 61 lakhs vide Settlement dated 31-5-93, amounting nearly to Rs. 10,00,000 with upto date interest @ 20% p.a. from the date of payment to other employees to the date of actual payment to the workman with cost and damages.
- C. Allow the cost of this Industrial Dispute and damages for suffering in the sum of Rs. 5 lakhs.

D. Any other relief which this Hon'ble Court/Tribunal may deem fit and proper in the facts and circumstances, may also be awarded in favour of the workman and against the Management.

The management filed written statement stating therein that the reference is bad in law and is not maintainable and made in gross abuse of process of law. The claimant cannot be allowed to agitate the same issue before two Forums. The claimant has already filed a complaint under Section 33 A of the Industrial Disputes Act, 1947. In the said complaint, the relief of reinstatement has been sought by the claimant which is subjudice before the Hon'ble Industrial Tribunal II, Delhi. Therefore, the present claim is liable to be rejected forthwith on this ground alone. A copy of the said complaint is annexed herewith as Annexure -I.

Without prejudice to the above, it is submitted that the claim has been filed after a lapse of nearly five years after the claim is liable to be rejected on account of delay, waiver and laches.

Without prejudice to the above, it is submitted that the claimant has concealed the relevant and material facts that the settlement on which claimant is relying was entered in to between the Alitalia Airlines Employees Association and the management on 31-5-1993 and the claimant chose to stay out of the said settlement. He requested the management not to retrench him vide his letter dated 11-2-1993. However, in view of the fact that the management was compelled to stop the passenger services operations after 31st March, 1993, it was intimated to the claimant that he had to be retrenched w.e.f. 4th April, 1993 due to non-availability of work vide their letter dated 25th February, 1993. Thereafter, he requested the management to transfer him to the Cargo Department and to consider the possibility of switching him with another employees from the Cargo Department, which was duly considered by the Management. However, as there was no suitable vacancy for him in the said Department and as the claimant had ever worked in Cargo Department, switching him with another employees could not materialize. The management informed him vide their letter dated 27.04.1993 that 'switching' was not possible and therefore, the letter dated 25-2-1993 for his retrenchment was given effect to in his case.

Subsequently though the claimant could have participated in the conciliation proceedings, he preferred not to be a party to the Settlement dated 31-5-1993 entered into with the Association. In view of the above, it is submitted that the claimant is not entitled to raise any dispute with regard to applicability of Memorandum of Settlement dated 31-5-1993 to him as he opted not to become a party to the said Settlement. Moreover, the Settlement is binding and applicable to those Members of Association only whose names appear in the statement enclosed by the Association vide ? Clause 1 of the said Settlement.

Without prejudice to the above, it is submitted that the claimant was retrenched after payment of all the dues to which he was legally entitled and which have been duly

accepted by him. Therefore, there does not arise any question of dispute regarding any other amount payable as the closure of passenger operations and subsequent retrenchment of the claimant was bona fide and valid.

Without prejudice to the above, it is submitted that allegation of victimization levelled by the claimant are baseless and frivolous. Management has always considered and been co-operative with its employees including the claimant which would be evident from the fact that the management has always considered the requests made by the claimant from time to time. The claimant was appointed as a Resident Representative to be stationed at Ahmedabad (his Home town). One of the terms stipulated in his appointment letter dated 26th August, 1974 was as under;

"It is understood that you are a resident employee and should the Company is closing office in Ahmedabad due to lack of productivity, your services will be therewith terminated. This is without prejudice to the other rights."

Subsequently, the management closed down its operation in Ahmedabad and appointed a general sales agent. Therefore, in terms of the contract of employment, the claimant's services could have been terminated. However, he represented to the management that his services should not be terminated and he would be willing to work at any other station. He was thereafter appointed at Bombay in the capacity of Sales Officer on the same terms and conditions as applicable to him at Ahmedabad. This decision was conveyed to him by the management's letter dated 9th November, 1981. Subsequently, the workman requested the management for his transfer to Delhi due to acute housing problems at Bombay. The management agreed to his request again and he was transferred to Delhi. Hence, the management had always considered his requests sympathetically and favoured him and there was no question of victimization.

Therefore, the management after considering his request, transferred the claimant to Bombay as Sales Officer. Hence, it is denied that the transfer of claimant was by way of promotion. He was continued on the same category level and other benefits.

It is submitted that the claimant was transferred from Bombay to Delhi on his specific request vide his letter dated 21st June, 1982. However, it is denied that his work performance was good at Bombay.

It is submitted that the claimant was transferred to I.G.I. Airport w.e.f. 01-05-87 as a Traffic Officer and not as Senior Traffic Officer as stated by him. It is further submitted that the workman had filed a suit No. 108 of 1987 in the Civil Court challenging the said transfer to I.G.I. Airport, but he had withdrawn the same unconditionally to avoid dismissal of the same by the Civil Court. It is further categorically denied that any promises or assurance as stated by the claimant was ever made by the management to the claimant. It is submitted that the transfer is a necessary incidence of service and the same had been duly accepted by the claimant. As per

Article 6 of the Alitalia Airlines employees Agreement, the working location and designation of the employee is specified in the letter of appointment and the management may modify the duties of an employee or transfer him either temporarily or permanently to another department. Hence, the contents of para under reply are denied being false and frivolous except to the extent they pertain to matter of record. It is submitted that the transfer of the complainant as a traffic officer was effected due to exigencies of work in the year 1988-89. It is submitted that the transfer of employees is the prerogative of the management and the management can effect transfer of its employees keeping in view the best interest of the business operations. Hence the allegation leveled by the claimant with regard to victimization are specifically denied, being false and baseless. The claimant may be put to strict proof of the allegations leveled by him. The preliminary objections as set out above may kindly be read as part of reply to para under reply. It is however reiterated that the reference is bad for the reasons stated in para 1 of the preliminary objection and the claim is liable to be dismissed.

It is submitted that he was Secretary of the Association in the year 1986-87. It is further submitted that the Charter of Demands was negotiated by all the representatives of the Association viz. President and General Secretary of the Association.

It is submitted that the claimant has tried to mislead this Hon'ble Tribunal by making false statements which indicates his intentions to harass the management. And make out a false case of victimization against the management. It is submitted that in the year 1991 the management had entered into a Settlement with the Association. However, the claimant was not President or General Secretary of the said Association and hence the averments of the claimant that he was elected President and negotiated upon Charter of Demands is patently false and hence denied.

It is however, submitted that the closure of the office at Delhi was bonafide and subsequently the Association had entered into a Settlement with the management.

It is specifically denied that any workman junior to the claimant have been adjusted or retained in services with the management. It is denied that any assurance or promise was made by the management regarding the adjustment of the workmen in any department. It is however, pertinent to mention that management had considered his request to accommodate him in any other Department. However, as there was no vacancy he could not be accommodated.

It is submitted that the retrenchment was in accordance with the provisions of law. It is further submitted that all dues admissible to the claimant have been paid by the management.

The Memorandum of Settlement dated 31-5-1993 between the Association and the management was applicable only to the employees who were party to the

said settlement. The claimant opted not to become a party to the Settlement dated 31-5-1993 and hence the same is not applicable to the claimant. It is however submitted that the claimant was retrenched after giving proper note and due compensation as per the provisions of law.

The claimant is not entitled to the benefits arising out of the Settlement entered into between the Association and the Management as the same is binding and applicable between the parties to the settlement.

It is further denied that the claimant was promised or given any assurance that he would be accommodated by the management later. As a matter of fact the claimant had been informed by the management much before the finalization of the Settlement dated 31-5-1993 that he could not be accommodated vide their letter dated 27-04-1993. It is denied that the claimant is not entitled to reinstatement in job with full back wages or any other benefits or other compensation or damages. It is pertinent to mention that the workman was retrenched in accordance with the provisions of law. It is denied that the claimant is legally entitled to reinstatement in job with full back wages and consequential benefits. Once having accepted the compensation, he cannot agitate the legality or otherwise of the same.

It is specifically denied that the termination of the services of workman is illegal and unjustified. It is also denied that the junior most employee of the company was adjusted and absorbed at the Airport in the Cargo Department. It is further submitted that there was no possibility of his absorption in the Cargo Department, the claimant was retrenched. All dues and compensation were paid to the claimant in accordance with the provisions of law. It is submitted that the claimant had never worked in Cargo Department and therefore, his claim for adjustment in the said Department are misconceived and baseless. Rest of the contents of para under reply are denied being wrong and false. It is submitted that the preliminary objections taken above may be read as part of para under reply. The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that the services of the workman have been terminated arbitrarily and with malafide intention. He has not been given the benefits which have been given to him in view of the settlement. He is legally entitled to get the benefits under settlement.

It was further submitted from the side of the workman, that the workman did not participate in the proceedings of the settlement as he was assured by the management that he would be given alternate employment. He made

representations to that effect but juniors to him were adjusted in Cargo Department but this workman was illegally retrenched.

It was submitted from the side of the management that due to non-availability of work, the passenger's services operation was stopped after 31-03-1993. The workman was intimated that he had to be retrenched w.e.f. 4-4-1983 due to non-availability of work by letter dated 25-2-1993. The workman requested the management to transfer him to Cargo Department and to consider the possibility of switching with other employees from the Cargo Department.

It was further submitted that there was no suitable vacancy as the workman never worked in Cargo Department, so switching with other employees was not possible and he was intimated by letter dated 17-4-1993. It was further submitted that he could have participated in the Settlement proceedings but he preferred not to be a party to the settlement dated 31-05-1993 entered into with the Association.

I was further submitted that he opted not to become a party to the said settlement. The settlement is binding upon those who were party to the settlement. The workman is not entitled to get the settlement enforced as he was not a party to it. He has been given due, retrenchment compensation at the time of retrenchment.

From perusal of the records it becomes quite obvious that no junior to the workman has been retained. The names of the junior employees mentioned were of Cargo Department so they were adjusted in that department.

The management did not find him fit for that department as he has no experience of that department. I find no merit in the contention of the management that the workman is not entitled to get the benefits under the settlement dated 13-5-1993. It has been mentioned in the settlement that the settlement will be applicable to those employees who are a party to it.

It appears that the workman made representation for his adjustment in that department so he did not become a party to the settlement.

The management witness has admitted that the workman has made representation for his adjustment in that department. In the hope of being adjusted in that department, the workman did not become a party to the settlement. There is no force in the contention of the management that he was residing at Ahmedabad and it has been mentioned in the appointment letter that his services will come to an end when the work will not be available in that Region. The workman has been transferred to Delhi and Bombay, so the terms and conditions of employment in Ahmedabad cannot be enforced against him.

The management has filed seniority list of the employees to be retrenched. The workman is at Sl. No.3. The workmen juniors to him have been given more compensation than this workman. Every employee is

entitled to equal opportunity and equal benefits even though he has not been a party to a settlement. The employee juniors to him have been paid more benefits than this workman for the simple fact that they became a party to the settlement dated 13-5-1993. The workman in hope of getting adjustment in the Cargo Department did not become a party to the settlement dated 13-05-1993. However, he cannot be deprived of the benefits as given to his juniors who were a party to the said settlement.

The workman has no case for reinstatement as the operations have been closed. He is entitled to compensation which the employees junior to him have received under the settlement dated 13-5-1993.

The management should pay him retrenchment compensation as has been paid to the employees who were junior to him adjusting the payment already made.

The reference is replied thus:

The retrenchment of the workman dated w.e.f. 1-5-1993 by the management of Alitalia is neither legal nor justified nor proper. The workman is entitled to the benefits according to the settlement arrived between the Union and the management dated 31-05-1993. The management should make payment of the remaining retrenchment compensation to this workman within two months from the date of the publication of the award.

The award is given accordingly.

Date 9-6-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 17 जुलाई, 2008

का.आ. 2267.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. बी. सी.सी.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय सं. 1 धनबाद के पंचाट (संदर्भ संख्या 206/89/767) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2008 को प्राप्त हुआ था।

[सं. एल-20012/49/88-आई आर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 17th July, 2008

S.O. 2267.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 206/89/767) of the Central Government Industrial Tribunal/Labour Court, No. 1 Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.Ltd. and their workman, which was received by the Central Government on 17-7-2008.

[No. L-20012/49/88-IR(C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, No. 1 DHANBAD**

In the matter of reference under Section 10 (1) (d) of the Industrial Disputes Act, 1947.

Reference No. 206 of 1989

Parties : Employers in relation to the management of Bhowra (N) Colliery of M/s. B.C.C.Ltd.

AND

Their workmen

Present : Shri H.M. Singh, Presiding Officer

APPEARANCES

For the Employers : Shri D.K. Verma, Advocate

For the Workmen : Shri R.C. Sinha, Advocate

State : Jharkhand. Industry : Coal

Dated, the 30th June, 2008

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1)(d) of the Industrial Disputes Act 1947, has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(49)/88-IR(C-I) dated, the 8th December, 1989:

"Whether the action of the management of Bhowra (N) Colliery of M/s. Bharat Coking Coal Ltd., in not regularising Shri Basant Paswan and ten others is justified? If not, to what relief are the concerned workmen entitled to?"

2. The above reference case was decided by my predecessor by Award dated 29-10-1994, against which the workmen/union filed writ petition No. CWJC 374 of 1995 (Workmen of Bhowra (N) Colliery of M/s. BCCL Vs. Central Government Industrial Tribunal, Dhanbad & Ors.), which the Hon'ble High Court, Patna, Ranchi Bench, Ranchi, vide Order dated 16-9-2002 found that the name of work done by the concerned workmen was perennial nature or not has been decided in Award, so the Hon'ble High Court has directed the Tribunal to decide whether the nature of work done by the concerned workmen was of perennial nature or not after giving full opportunity to the parties.

3. As per written statement of the sponsoring union, the concerned workmen were in the services of Bhowra (N) (9 Seam Mine) Colliery since August, 1996, but they were not regularised in their service and were stopped from working by the management with effect from 14-9-87 when the workmen raised dispute before the ALC(C), Dhanbad. According to the sponsoring union, the workmen were not given identity cards rather were restrained from making their attendance regularly in Form 'C' Register. They were also not paid their wages according to their work but were paid only Rs.13 a day. The workmen have claimed for their regularisation in category-IV services.

According to the written statement the workmen had worked as stone cutters in Bhowra Colliery and had also loaded tubs. Example of loading of four tubs on 8-6-87 has been given. As per averment, these workmen were issued reference slips for their medical treatment at the hospital of the colliery.

This written statement was filed by one Shri Raghu Nath Rai, Working President of the sponsoring union with the averment in para-8 that out of the concerned workmen, workman at Sl. No. 5. Shri Trilok Singh had left the sponsoring union.

4. The management in reply thereto had filed its written statement in which it asserted that the concerned workmen were never the employees in Bhowra Colliery. It was pointed out that the management engaged contractors to do odd works who executed the same through persons employed by them. Those contract labourers left when the work so contracted was completed. Those contract labours were supervised by the contractors who paid their wages.

It has been stated in para-7 of their written statement that the apparent claim of the concerned workmen was that they were engaged for sometime by some contractor but this was no ground for them to claim absorption by the management as its employee. It has been asserted that under Contract Labour (Regulation & Abolition) Act, 1970 gave right to the management to engage contractors for various jobs, but it did not impose obligation upon the principal employer to provide employment to those contract labourers.

5. In the rejoinder portion of the written statement, the management has claimed that in so far as providing of medical treatment is concerned, the management occasionally provided medical aid even in the workers of the contractors. Rather, many a times medical aid was provided by the Company to the neighbouring villagers.

6. It will appear that thereafter the sponsoring union filed its rejoinder to the written statement of the management from which it will appear that a new case has been sought to be made out. In the original written statement, clear claim of the sponsoring union was that all the eleven concerned workmen were directly employed by the company and had worked as the employees of the company. It has been admitted in the rejoinder that the concerned workmen had worked through contractor, Shri M. Hasne, though it has been claimed that their work was supervised and controlled by the management. Here it has also been admitted that the concerned workmen were paid their wages through the contractor when the bills of the contractor were paid by the management. This has been interpreted here as proof of relationship of employer and employee between the management and the workmen. It has also been admitted that the contractor concerned had engaged the workmen for the execution of the work of M/s. B.C.C.L. In para-6 of the rejoinder it has been stated that though there was control of the contractor over the workmen, still the workmen executed the work under direct control of the

management. It has been admitted that the contractors were paid their bills by the management who, in their turn, paid their workmen in presence of the authorities of the management.

Therefore, in the rejoinder application the sponsoring union has admitted that the workmen were employed through a contractor though the claim is that the workmen has worked under direct supervision of the officials of the management.

7. The point for consideration is as to whether the concerned workmen were actually employees of the management which used the contractor as camouflage by the management. On this basis the relationship of employer and employees between the management and the concerned workmen cannot be presumed.

8. On behalf of the sponsoring union, Sri Mahesh Paswan, one of the concerned workmen, has been examined as the only witness. From the reading of his evidence a definite impression can be gathered that this witness was confussed about the points he was to establish through his evidence. This fact will emerge as his evidence as will be discussed.

9. As regards workmen's statement they started working since August, 1986 and were stopped from working with effect from 14-9-1987 and they have worked less than a year though WW-1 stated that the work implements were being supplied by the management from the stores. They used to go underground mine under order of Sri. N. S. Tiwary, Asstt. Colliery Manager. They used to get cap lamps from the Cap Lamp Room. Earlier their attendance was recorded by the management on plain paper. On their representation their attendance used to be recorded in Form 'C' Register. It shows that the witness admitted that he has not worked as stone cutter. Moreover, this also supports by direct evidence. Paper Ext. W-1 which specifically mentioned that following workers were contract workers who worked in the industry for stone dusting on 14-5-87. It shows that the work of stone dusting was performed which supports the statement of WW-1 witness, though learned Counsel of the workmen referred Ext. W-2 in which it has been mentioned that Kailash Paswan be treated as stone cutter. This paper shows that on upper portion 23-5-87 date has been mentioned and before signature 31-5-87 date has been mentioned. It shows that this paper cannot be relied which workmen have presumed that he was engaged for stone cutting. WW-1 admitted that the employees of the management as well as the contractor's labours were supplied cap lamp from the Cap Lamp Cabin. It only shows that the workmen who used to go underground were provided cap lamps for safety reason and working tools were supplied by the management. On this basis the relationship of employer and employees between the management and the concerned workmen cannot be presumed.

10. Learned counsel for the workmen argued that the workmen were provided medical aid by the company as per Exts. W-3, W-3-A and W-3-B which show that medical

aid has been provided to the workers of the contractor. In this respect MW-1 states that they have provided medical aid to the workers of the contractor and also to the neighbouring villagers. By giving medical aid it will not be presumed that the workmen were the employees of the management. In this respect it is required that the sponsoring union should prove through cogent and reasonable evidence that the management was using the contractor just as camouflage.

11. Learned counsel of the workmen referred Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 in which it has been laid down that no contractor's workers can be engaged when the work is of perennial nature in which coal industry workers come under Group-IV which includes stone cutting job.

12. Ext. W-1 shows that the workmen were engaged for stone dusting job which work is not of perennial nature. Moreover, by doing the work even less than a year if they are absorbed by the management it will deprive the other persons to get employment through fair recruitment and it will be violative of Article 14 of the Constitution.

13. It shows that there exists no employer and employees relationship between the management and workmen and the work performed by the workmen is not permanent in nature.

14. Learned counsel for the management referred following judgements reported in—

(i) 2001 Lab. I.C. 3656 (SC) in which Hon'ble Supreme Court laid down that engagement by contractor does not create relationship of master and servant between contractor labour and principal employer.

(ii) 2007 (4) JLJR 341 in which Hon'ble Jharkhand High Court laid down that only because an employees has been engaged temporarily or for a number of years, it cannot be held that such engagement has been made for depriving him from the status of permanent employee, and onus is on the workman completed 240 days of Industrial Disputes Act, 1947 they do not become entitled to regularisation.

In this respect the Hon'ble High Court relied on (2006) 3 SSC 297 and (2007) 1 SCC 533 and also referred to (2006) 3 SCC 297, 2006 (2) JLJR (SC) 80, (2006) 4 SCC 1, 2006 (2) JLJR (SC) 282, (2001) 7 SCC 1. The Hon'ble High Court referred in view of 2006 (4) SCC 1 : 2006 (2) JLJR (SC) 282-Secretary, State of Karnataka Vs. Uma Devi which shows that as per law laid down by the Hon'ble Supreme Court these workmen cannot be regularised as there is no relationship of employer and employees.

15. In the result, I render following award—

The action of the management of Bhowra (N) Colliery of M/s. Bharat Coking Coal Ltd. in not regularising Shri Basant Paswan and ten others are justified. The concerned workmen are not entitled to any relief.

H. M. SINGH, Presiding Officer

नई दिल्ली, 21-जुलाई, 2008

का. आ. 2268.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार हैण्डक्राफ्ट्स एण्ड हैन्डलूम्स एक्सपोर्ट कार्पोरेशन आफ इण्डिया लिमिटेड के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ सं. 76/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-07-2008 को प्राप्त हुआ था।

[सं. एल-42012/150/2005-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2268.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 76/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial dispute between the management of Handicrafts & Handlooms Export Corp. of India Ltd. and their workmen, received by the Central Government on 21-07-2008.

[No. L-42012/150/2005-IR(CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT CHENNAI

Friday, the 25th April, 2008

Present: K. JAYARAMAN, Presiding Officer
Industrial Dispute No. 76/2006

[In the matter of the dispute for adjudication under clause (d) of sub-section (I) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Handicrafts & Handlooms Export Corporation of India and their workman]

BETWEEN

Sri K.K. Murugesan : 1st Party/Petitioner

AND

The General Manager, : 2nd Party/Management
Handicraft and Handlooms
Export,
Corporation of India Ltd.,
143, Greams Road,
Thousand Lights,
Chennai-60006

APPEARANCE

For the Petitioner : M/s. Balan Haridas, R. Kamatchi
Sundaresan

For the Management : Sri R. Parthiban

AWARD

The Central Government, Ministry of Labour vide Order No. L-42012/150/2005-IR(CM-II) dated 11-08-2006 has referred the dispute to this Tribunal for adjudication.

The Schedule mentioned in that order is:

“Whether the action of the management of the Handicraft and Handlooms Export Corporation of India Ltd., Chennai in terminating the services of Sri K.K. Murugesan is legal and justified? If not, to what relief is the workman entitled?”

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 76/2006 and issued notices to both sides. Both sides entered appearance through their advocates and filed their claim and counter statement respectively.

3. The allegations in the Claim Statement are briefly as follows:

The petitioner was initially appointed as a Quality Controller by the Respondent Management which is coming under the control of Ministry of Textiles. By an order dated 18-06-1996, the petitioner was paid a consolidated amount of Rs. 4200 per month and it was subsequently revised to Rs. 4700 per month from 26-06-1997. After one year of service the petitioner was given renewal letter on 27-06-1997 for another 1 year with an increment of Rs. 500. Subsequently, no such renewal was given to the petitioner and the Respondent Management had want only avoid to get the renewal. While in service, the petitioner has contributed for the Provident Fund deduction and also given medical card for the medical treatment to him and to his family members. But, inspite of giving all the above benefits, the petitioner's service has not been regularized by the Respondent. Since he has not been regularized even after appointment of 5 years, the petitioner approached the Hon'ble High Court by filing a WP for regularizing and an interim order was granted in favour of the petitioner. subsequently, it was vacated by the High Court and against that order, the petitioner preferred a Writ Appeal. But, in the meanwhile, the Respondent Management has ousted the petitioner from service on 04-02-2002 when the WP was pending before the Hon'ble High Court. The petitioner was terminated from service only because he had dragged the Management by approaching Hon'ble High Court for seeking regularization of his service. The allegation that the Respondent Corporation was running at a loss and the Management was downsizing the unit is false. Even today, the Corporation is running on a good profit and they are receiving orders from USA, Japan, Germany and other European Union Countries. The petitioner was regular in work and he was also given Overtime Allowance for his work. Only because the petitioner approached the Hon'ble High Court, he was penalized by an order of termination. Even at the time of termination, the Respondent

Management is having full orders for the next 6 months. Though it is stated that the Respondent Management was giving VRS to employees, actually they had given VRS only for the aged people and the persons who are irregular in job and on medical grounds. Therefore, the petitioner is seeking the relief of reinstatement in service with all attendant benefits from the date of initial appointment.

4. As against this, the Respondent Management in his Counter Statement alleged that the Respondent Management is a Government of India undertaking and is mainly engaged in the export of fabrics and garments. It has got a garments factory in Guindy Industrial Estate comprising 3 garment manufacturing units and one finishing unit. The work of manufacture of garments is entrusted to independent contractors. However, the regular staff in managerial, supervisory and technical cadres were posted to oversee production activities. The garment business depends upon the quantum of orders received and executed every year. To compete with the highly fluctuating and seasonal nature of business, the petitioner was engaged workman on annual contract basis to assist regular supervisory staff deployed in the factory. However, as the industry was undergoing recession and the Respondent in particular was confronted with dwindling orders, it was fully economically not viable to keep additional manpower and, therefore, dispensed with and, therefore, the Respondent Management has to downsize the organization and he has introduced VRS. Only in Madras alone, 40 persons are relieved and there was no recruitment made to fill up the vacancies. Due to slow down of economy in USA, especially after 11-09-2001, there has been a large scale cancellation of new programmes/orders and also substantial reduction of orders already placed. Now, the orders on hand were very few and it was not sufficient even to feed 20% of the capacity. Therefore, the services of the petitioner became redundant. Under these circumstances, no such renewal of contract has been given to the petitioner. Even in the appointment given to the petitioner, it was clearly stated that his services will be terminated by giving one month's notice from either side. In the Respondent Management, there is no regular post of Quality Controller sanctioned. Further, the petitioner was not appointed through the open process of selection and, therefore, he cannot claim to remain in the post. Further, he has no right to seek regularization of service in the Respondent Corporation. Even while sending the termination order on 04-02-2002, this Respondent has enclosed the retrenchment compensation including the notice pay to the petitioner and he has received the same without any protest and realized the amount sent by cheque. Under such circumstances, the petitioner cannot question the termination order. As it is, there are no such contract employees in the rolls of the Respondent. If it is false to allege VRS was extended to aged persons and irregular employees. It is not correct to say that the

Respondent Management is planning to develop their establishment and since the Respondent has strictly complied with the provisions of the Section 25(F) of the ID Act before terminating the services of the petitioner, the petitioner cannot question the action of the Respondent Management. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. The Petitioner again in his rejoinder statement alleged that the unit of the Respondent Management is even today functioning with full capacity. The Respondent Management after dispensing with the regular employees is now entrusting work of the permanent nature on contract, thus, the orders are plenty and the work has increased many folds. The work which was discharged by the petitioner is regular in nature and not a contractual one. Though, the petitioner is engaged for 1 year, there was no renewal of contract and on the other hand there was work till the illegal termination. Therefore, there is no substance in the allegation that only to cope up with the highly fluctuating and seasonal nature of business he was engaged. The petitioner was working overtime month after month till the illegal order of termination which will show that there was orders more than sufficient. Even the General Manager of the Respondent Corporation by its order dated 30-03-2001 clearly stated that the Corporation is making profits and called upon the employees to cooperate for giving higher production and making better profits. Therefore, it is a lie on the side of the Respondent to say that the order position was dwindling. Even apart from the orders from USA, the Respondent Management has got regular orders from Japan as well. Further, the recession of USA economy after 11-09-2001 was only a temporary phenomenon and it has not been reduced, on the other hand, it has increased. The petitioner was selected for the post after advertisement in the Hindu newspaper and, therefore, the allegation that he was not appointed on regular selection process is a false one. He was selected for a regular post, but, termed to be on contractual basis. The petitioner having worked regular nature of work and having worked continuously for 5 years cannot be retrenched without taking prior permission from the Government under Section 25(N) of the ID Act. The allegation the Respondent Corporation is exempted under Tamil Nadu Shops and Establishment Act and, therefore the provisions of Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workman) Act is not applicable to the petitioner is without any substance. Hence, for all these reasons, the petitioner prays an award is to be passed in his favour.

Points for determination are :

(i) Whether the action of the Respondent Management in terminating the services of the petitioner w.e.f 04-02-2002 is legal and justified?

(ii) To what relief the petitioner is entitled?

Point No. 1

6. The case of the petitioner is that he has been appointed as a Quality Controller on 18-06-1996 on a consolidated pay of Rs. 4200 by the Respondent Management though at the first instance he was appointed on contract basis and though it was renewed by a letter dated 27-06-1997 for another one year. Subsequently, no renewal has been given to him and he has worked more than 5 years continuously on a consolidated pay of Rs. 4,700 and when he approached the Hon'ble High Court for regularizing his service by filing a Writ Petition, the Respondent Management has taken a wrong decision to terminate his services just for the reason that he had dragged the Management by approaching the Hon'ble High Court seeking regularization of his services. Therefore, he has raised the dispute for reinstatement with consequential benefits.

7. As against this, the Respondent contended that the petitioner was appointed only on contract basis as Quality Controller to coordinate with the regular employees in supervising the activities of garment factory and since the garment industry was undergoing recession and since the garment orders from foreign countries dwindled during that period, the Management has to undertake economy measures and to downsize the organization it has taken the decision to dispense with the contract employees. As such, the petitioner's services were terminated as per the contract and it was further contended on behalf of the Respondent that as per the contract under the termination order dated 04-02-2002, the Management has also enclosed retrenchment compensation including notice pay to the petitioner and the petitioner has received the same and realized the amount sent by cheque and, therefore, the decision taken by the Respondent cannot be questioned by the petitioner and this claim is not maintainable. In this case, the petitioner examined himself as WW1 and produced documents Ex.W1 to Ex.W30 and on the side of the Respondent, one Sivaraman, Asstt. Manager of the Respondent Management was examined as MW1 and Ex. M1 to Ex. M10 were marked.

8. The learned counsel for the Petitioner contended that though the petitioner was initially appointed on contract basis and though one renewal was effected during the year 1997, subsequently no renewal has been made by the Respondent Authorities and he was continuously working as Quality Controller and all the benefits were given to the petitioner as that of a regular employee. He was provided bonus and he has contributed for Provident Fund deduction and the petitioner has also been given medical card to his person and to his family members but has not been regularized by the Respondent Authorities and therefore the petitioner has taken the decision to approach the Hon'ble High Court for his regularization. This was done only on the apprehension that he may be ousted at any time without assigning any reasons. While the High

Court has granted an interim order, it was vacated subsequently and against that order, the petitioner preferred a Writ Appeal but in the meanwhile taking advantage of the interim order has been vacated by the High Court, the Respondent has ousted the services of the petitioner on 04-02-2002 when the main Writ Petition was pending before the Hon'ble High Court. In the termination order they have stated a simple reason that the Respondent Corporation was running under loss and the Management was downsizing the unit and, therefore, he has dispensed with the services of the petitioner who was appointed on contract basis. But the reasons stated in the termination order are untrue. The Corporation is running on a profit even during the period from 1999 to 2002 and they have already received orders from USA, Japan and Germany and other European Union countries. Only to terminate the services of the petitioner, they have alleged that the Corporation is running under loss which is vindictive action taken by the Respondent Management only for the simple reason that the petitioner has dragged the Management by approaching the Hon'ble High Court for regularization of his services. The allegation that the orders were dwindled is a false one. Even today the Respondent Corporation has exported garments to the various countries and the work is in full swing. Further, till the date of termination, the petitioner was in regular work and he was also given overtime allowance till the date of termination and, therefore, the order of termination is not legal and ab initio void. The learned counsel for the Petitioner further contended that the Respondent Management after dispensing with the services of the petitioner is now entrusting the work of permanent nature on contract basis which is not legal. Thus, the orders are plenty and the work has also increased manifolds. He further contended that the petitioner is also entitled to the provisions of Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workman) Act, 1981 and, therefore action taken by the Respondent Management is not valid and the learned counsel for the Petitioner relied on the ruling reported in 2007, 2, LLN, 212, ELAYAPERUMAL VS. STATE BANK OF INDIA AND OTHERS wherein the Division Bench of Hon'ble High Court, Madras has held "as such provision of Section 4(1)(c) of Shops Act which exempted the establishments under Central Government would be of no consequence and Permanent Status Act would continue to apply until exemption is obtained from the State Govt. under Section 9 of Permanent Status Act". The learned counsel for the petitioner argued that in this case, the Respondent Management which is a Central Government Undertaking has not obtained exemption under the State Govt., the provisions of Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workman) Act, 1981 is applicable and in this case since the petitioner has admittedly worked for more than 480 days in a continuous period of 24 months, he cannot be terminated by the Respondent Authorities.

9. The learned counsel for the Petitioner also relied on the ruling reported in 2005, 2, LLN, 881, MANAGER, OIL & NATURAL GAS CORPORATION LTD. VS. G. RADHAKRISHNAN wherein the Division Bench of the Hon'ble High Court, Madras has held in case of a Security Supervisor who was appointed on contract basis, subsequently employed directly by the Corporation for a fixed period has been continued to serve as a Security Supervisor when no orders for continuation was issued by the Respondent Management and when the matter came up before the High Court on his termination on his attainment of 58 years, the High Court held "even though such an engagement of the Respondent continuously lasted for nearly 11 long years atleast from 1988, we wonder whether there could be an un-ceremonial termination as resorted to at the instance of the Appellant in total violation of the provisions of the Industrial Disputes Act. In other words, we are obliged to state that the stand of the Appellant that the engagement of the services of the Respondent was for a fixed period which commenced on 13-01-1988 and therefore the disengagement from 31-03-1999 should be merely taken as a disengagement in terms of original order of engagement dated 21-01-1988 and therefore it should be held that the Respondent was not entitled for any relief would be in total derogation of and on a misreading of Section 2(oo)(bb) of the Industrial Disputes Act. We are afraid that such blindfolded approach cannot be made when the facts involved disclose that the Respondent would atleast be entitled for certain consequential benefits in pursuance of such termination. In our considered view, in the case on hand, the termination of the services of the Respondent by the order dated 18-02-1999 relieving the Respondent from 31-03-1999 would squarely fall within the definition of retrenchment under Section 2(oo) of the Industrial Disputes Act and consequently non-compliance of stipulations contained under Section 25(F) of the Industrial Disputes Act would render the very order dated 18-02-1999 invalid". Relying on this decision, the learned counsel for the Petitioner contended in this case also the though the petitioner was initially appointed on contract basis, his period of contract has not been extended subsequently and he was working as Quality Controller with the Respondent Management for more than 5 years and therefore the termination order issued by the Respondent Management would not fully exempt under Section 2(00)(bb) and, therefore, in violation of the provisions of the I.D. Act.

10. But as against this, the learned counsel for the Respondent contended though the petitioner has taken the stand before this Tribunal that his contract post was not extended for the period on 1997, he has admitted in his claim statement and even before the High Court that he was forced to work on contract basis for nearly 4 and half years and so on. Therefore, the allegation that though he was appointed on contract basis initially, his period of

contract has not been extended is without any substance, on the other hand, he has worked continuously as a contract employee of the Respondent. Further, the learned counsel for the Respondent relied on number of Supreme Court decisions on the subject and argued that the claim of the petitioner is not maintainable as such. The first decision relied on by the learned counsel for the Respondent is 1992, 2, LLN, 863, DIRECTOR, INSTITUTE OF MANAGEMENT DEVELOPMENT, UTTAR PRADESH VS. PUSHPA SRIVASTAVA wherein the Respondent was appointed on contract and ad-hoc basis for fixed period and when the Management has taken the decision to terminate her services, the Respondent has taken the matter questioning the termination before the High Court, in that the Supreme Court has held "where the appointment is contractual and by efflux of time, the appointment comes to an end, the Respondent could have no right to continue. Once this conclusion is arrived at what requires to be examined is in view of the services of the Respondent being continued from time to time on ad-hoc basis for more than a year whether she is entitled to regularization? The answer is negative".

11. The next decision relied on by the learned counsel for the Respondent is reported in 1994, 1, LLN, 606, ZAKIR HUSSAIN VS. ENGINEER-IN-CHIEF, IRRIGATION DEPARTMENT AND OTHERS. In that case while considering regularization of persons appointed on ad-hoc basis, the Supreme Court has held "regularization of persons appointed on ad-hoc basis on daily wages cannot be made as a "Rule of Thumb" merely on the basis of his completion of certain years of service and such persons cannot claim to be regularized as a matter of right. Regularization depends on various facts and it is for the employer to decide as to whether in facts and circumstances of the case, such services of employees appointed on ad-hoc basis should be regularized." The next decision relied by the learned counsel for the Respondent is reported in 2005, 1, SCC, 639, MAHINDRA L., JAIN VS. INDORE DEVELOPMENT AUTHORITY AND OTHERS wherein the Supreme Court while considering regularization has held "regularization cannot be claimed as a matter of right. Illegal appointment cannot be regularized by taking recourse to regularization. What can be regularized is an irregularity and not an illegality. A daily-wager in the absence of statutory provision in this behalf would not be entitled to regularization". The next decision relied on by the learned counsel for the Respondent is reported in 2007, 7, MLJ, 844, STATE OF GUJARAT AND ANOTHER VS. KARSANBHAI K. RABARI AND OTHERS. In that the Supreme Court while considering regularization of daily workers appointed on temporary basis has clearly stated "claiming regularization of service and to all benefits available to a regular employees under the Govt. resolution dated 17.10.1998 is not permissible when the appointment is made in contravention of the rules". The next decision

relied on by the learned counsel for the Respondent is reported in 2007, 1, SCC, 408 wherein the Supreme Court has held "a daily-rated or casual worker is only a temporary employee and it is well settled that a temporary employee has no right to the post or to be continued in service to get absorption far less of being regularized and getting regular pay. No doubt, there can be occasions when the State or its instrumentalities employ persons on temporary or daily-wage basis in a contingency as additional hands without following the required procedure but this does not confer any right on such persons to continue in service or get regular pay". The next decision relied on by the learned counsel for the Respondent is reported in 2007, 2, SCC, 324, ACCOUNTS OFFICER (A&I), SPSRTC AND OTHERS VS. K.V. RAMANA AND OTHERS wherein the Supreme Court followed the decision reported in 2006, 4, SCC, 1, SECRETARY, STATE OF KARNATAKA VS. UMA DEVI and held "Casual/Ad-hoc workers or contract labourers even though they have worked for a long period they cannot be regularized de hors the rules for selection". The next decision relied on by the learned counsel for the Respondent is reported in 2007, 2, SCC, 428, PSEB AND ANOTHER VS. SUDESH KUMAR PURI In that the Supreme Court has held "though the present case is one of contract labour. On the contrary there was an agreement governing the engagement. The payment was made per meter reading at a fixed rate and there was no regular employment ever offered to any of the Respondents. The provisions of Section-2(oo)(bb) of the Act clearly apply to the facts of the case. The material on record clearly established that the engagement of the Respondent was for a specific period and conditional. On the engagement of regular meter readers, the engagement was dispensed with. The contract clearly governed the terms of engagement. Therefore, the orders passed by the Labour Court and High Court for reinstatement and back wages are clearly untenable". The next decision relied on by the learned counsel for the Respondent is reported in 2007, 7, SCC, 748, GANGAKISAN SAHKARI CHINI MILLS LTD. VS. JAI VEER SINGH where the Supreme Court has held "workman appointed on seasonal posts for the whole season, the termination of service of, held, does not amount to retrenchment in view of Section 2(oo)(bb). Hence direction to reinstate workmen with back wages by courts below set aside". The learned counsel for the Respondent relied on all these decisions and argued the petitioner was appointed as a Quality Controller and even in the order of appointment itself. It is clearly stated that the appointment was on contract basis and even in that order itself it is stated that the services would be terminated with 1 month's notice on either side. In the Respondent Corporation, there is no regular post as Quality Controller and the petitioner was not appointed through open process of selection and therefore cannot claim any right to remain in the post and he has also no right to seek regularization of the service in the Respondent Corporation. Even in the Writ Petition filed

by the petitioner, the Hon'ble High Court has observed that the petitioner would not be entitled for regularization of the service based on past performance of the Corporation. It is also observed that even assuming that the Corporation is in sound financial position, the claim of the petitioner for regularization is not a matter of right. In this case, the Respondent Management while sending the termination order on 04-02-2002 had also enclosed retrenchment compensation including the notice of pay totalling to Rs. 36,201. The petitioner received the same without any protest and realized the amount sent by the cheque and, therefore, he cannot be heard to say that his services should be regularized in the Respondent Corporation. Since the garment industry was undergoing recession after 2001 and the Respondent was confronted with dwindling orders, the Respondent Management felt economically not viable to keep additional manpower and, therefore, dispensed with the contract service of the petitioner. The contract service of the petitioner cannot be deployed/utilized elsewhere as the other trade activities of the Respondent did not require the technical expertise of the petitioner for closer monitoring. Further, the Respondent Management has also introduced VRS and in that more than 120 employees were relieved from the services of the Respondent Corporation and thereafter no recruitment was made to fill up the vacancies. After 11-09-2001, due to recession in and slowdown of economy in US, there has been a large scale of cancellation of new programmes/orders and also substantial reduction in the orders already placed and the orders on hand were very few and it was not sufficient even to feed 20% of the capacity. In the circumstances, the existing staff strength of the Respondent organization was required to be further reduced. As such, the services of the petitioner became redundant. Under these circumstances, the Respondent has taken the decision no such renewal of the contract to the petitioner is to be given and, therefore the action of the Respondent Management cannot be questioned that too by the petitioner. It is further argued the Respondent has strictly complied with the provisions of Section-25(F) of the ID Act before terminating the services of the petitioner and the petitioner's services had been terminated by due process of law. Further the issue regarding regularization and the financial position, the Hon'ble High Court has also concluded the issue, hence it is not open to the petitioner to raise the same issue over and above again. Though, the petitioner alleged that the Respondent Management is running in profit, he has not produced any documents to show that the garment business of the Respondent Management is running in profit. Admittedly, now the Respondent Management is running only one shift since there is no orders of garments, therefore, the petitioner is not entitled to any relief.

12. But as against this, the learned counsel for the Petitioner contended though the Respondent

Management has stated after 2002 the orders for the garment business has been dwindled, he has not produced any document to show that the orders have been reduced after 2001. On the other hand, the petitioner has produced document to show that the business of the Respondent Management is running in profit. It is evident from the fact that bonus was given to the regular employees and it is also clear from the letters written by the General Manager to the employees viz. Ex.W7 to Ex.W11. Further, most of the case decisions relied on by the learned counsel for the Respondent are related to regularization of the services of the employee, on the other hand, in this case the petitioner only approached this Tribunal for reinstatement with consequential benefits, therefore, the petitioner is entitled to the relief since he has established that the order of termination passed by the Respondent Authorities is not legal. But again, the learned counsel for the Respondent contended though the petitioner has produced a statement that the Respondent Management is running in profit, the Respondent Management has got other business viz. Handloom exports, Jewellery, etc. The profit and loss account produced by the petitioner is only with regard to overall business of the Respondent Management. On the other hand, it is admitted by the petitioner that the Respondent Management has not recruited any new employees after the termination of the petitioner and after the employees has gone on VRS. Under such circumstances, it is not correct to say that the petitioner's termination is illegal and that the Respondent has not followed the mandatory provisions of the ID act.

13. I find much force in the contention of the learned counsel for the Respondent because in this case even though there is no renewal of contract in writing by the Respondent Management with regard to contract entered into between the petitioner and the Management, it is admitted by the petitioner that all along he has worked as a contract employee on contract basis. Further, in this case it is not established before this Court after the termination of the petitioner any persons has been appointed as a Quality Controller in the Respondent Management, though, it is alleged that the business is running in profit, there is no specific documents to show that the garment business of the Respondent Management is running in profit. On the other hand, it is established by the Respondent Management that the Respondent has closed 2 units and that too running only in one shift. Therefore, even assuming for argument sake that the engagement of the services of the petitioner was not for a fixed period, since the petitioner is not appointed for a regular post and since the Respondent has followed the mandatory section of the ID Act, I find the petitioner cannot question the order of termination passed by the Respondent Authority dated 04-02-2002 and as such I find this point against the petitioner.

Point No. 2

The next point to be decided in this case is to what relief the petitioner is entitled?

12. In view of my foregoing findings, the action taken by the Respondent Management in terminating the services of the petitioner is legal and justified, I find the petitioner is not entitled to any relief.

13. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 25th April, 2008)

K. JAYARAMAN, Presiding Officer

Witness Examined :

For the 1st Party/Petitioner : WW1 Sri K.K.Murugesan

For the 2nd Party/Management : MW1 Sri C. Sivaraman

Documents Marked

On the petitioner's side

Ex. No.	Date	Description
Ex. W1	18-06-1996	Copy of the Offer of Appointment Order
Ex. W2	30-07-1996	Copy of the Office Order of Appointment
Ex. W3	31-07-1997	Copy of the Office Order
Ex. W4	20-12-1999	Copy of application made by the petitioner for Provident Fund
Ex. W5	11-01-2000	Copy of Sanction Order passed by the Respondent regarding PF
Ex. W6	29-11-2000	Copy of Statement of Account of PF
Ex. W7	30-03-2001	Copy of communication of the Respondents
Ex. W8	05-10-2001	Copy of memorandum issued to the petitioner
Ex. W9	11-10-2001	Copy of explanation made by the Petitioner
Ex. W10	22-10-2001	Copy of proceedings of the Respondents
Ex. W11	09-01-2002	Copy of communication of the 1st Respondent
Ex. W12	04-02-2002	Copy of proceedings of the 1st Respondent
Ex. W13	11-09-2004	Copy of order passed in WP 23232 of 2001 and WP 8316 of 2002

Ex.W14	23-09-2004	Copy of conciliation petition filed by the petitioner	Ex.M6	31-07-1997	Copy of the office order towards revision of the pay of the petitioner with the same terms and conditions in the contract
Ex.W15	24-01-2005	Copy of reply filed by the 1st Respondent	Ex.M7	04-02-2002	Copy of the Order of termination with strict following of Section-25F of the ID Act.
Ex.W16	11-08-2006	Copy of order issued by the Ministry of Labour referring the matter for adjudication.	Ex.M8	—	Copy of the tax statement regarding VRS given by the Respondent yearwise from 1997-1998 to 2004-2005
Ex.W17	April 2000	Copy of Form 16	Ex.M9	—	Copy of the statement of Staff strength as on 01.01.1998 and 1.04.2002
Ex.W18	26-12-2001	Copy of Leave Application	Ex.M10	11-03-2002	Copy of W.P. No. 8316 of 2002.
Ex.W19	—	Copy of Casual Leave Card			नई दिल्ली, 21 जुलाई, 2008
Ex.W20	October, 2001	Copy of Wage Slip			का. आ. 2269.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चण्डीगढ़ न. -1 के पंचाट (संदर्भ सं. 77/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-07-2008 को प्राप्त हुआ था।
Ex.W21	August 1996	Copy of Wage Slip			[फा.सं. एल-12012/24/1989-आईआर (बी.3)]
Ex.W22	—	Copy of Jan 2001 to Nov. 2001 Overtime Statement			सुरेन्द्र सिंह, डेस्क अधिकारी
Ex.W23	14-02-2002	Copy of Delivery Challan			New Delhi, the 21st July, 2008
Ex.W24	28-02-2002	Copy of Delivery Challan			
Ex.W25	11-04-1996	Copy of advt. in Hindu regarding post of Quality Controller in HHEC			
Ex.W26	24-05-1996	Copy of Call Letter for interview from HHEC for the post of Production Coordinator			
Ex.W27	03-06-1996	Copy of acceptance of post of Quality Controller at a consolidated salary of Rs. 4,200/-			
Ex.W28	18-11-2007	Copy of performance of HHEC since 1996-97 to 2004-2005			
Ex.W29	May 1998	Copy of Overtime Allowance proof for the year 1998-1999			
Ex.W30	—	Copy of Payslip given to Krishnan for the months of February and March, 1996			

On the Management's side

Ex. No.	Date	Description
Ex.M1	11-03-2002	Copy of W.P. No. 8316 of 2002
Ex.M2	18-06-1996	Copy of Appointment issued to the petitioner
Ex.M3	18-06-1996	Copy of Acceptance of the appointment
Ex.M4	26-06-1996	Copy of letter of the Petitioner reported duty to the Respondent
Ex.M5	30-07-1996	Copy of letter to the Petitioner appointed as Quality Controller on Contract basis in a consolidated payment

S.O. 2269.—In pursuance of Section 17 of the

Industrial Disputes Act, 1947(14 of 1947), the Central

Government hereby publishes the Award (Ref. No. 77/

1996) of Central Government Industrial Tribunal-cum-

Labour Court-1, Chandigarh as shown in the Annexure, in

the industrial dispute between the management of State

Bank of Patiala, and their workmen, which was received

by the Central Government on 14-07-2008.

[F.No. L-12012/24/1989-IR(B-3)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH.

Case I. D. No. 199/89

K.C. Kataria C/o General Secretary State Bank of Patiala
Union (Punjab), 719, Sector 22-A, Chandigarh.

.... Applicant

Versus

General Manager, State Bank of Patiala, Mall Road, Patiala.

... Respondent

APPEARANCES

For the workman : None

For the management : N.K. Zakhmi

Passed on 30-6-08

AWARD

Government of India vide notification No. L- 12012/24/89-I.R. (B-3) dated 30-11- 89 referred this industrial dispute for judicial adjudication on account of failure of conciliation proceedings. The reference which was referred by the Central Government for judicial adjudication is :

“Whether the action of the management of State Bank of Patiala in dismissing Sh. K.C. Kataria by order dated 30-7-87 is legal and just and whether the workman is entitled to any relief in the matter?”

After receiving this reference, workman was asked to file his statement of claim. Workman filed the same with the averments that being a member of the opposite union, the then Regional Manager, Shri M. B. Sharma implicated him in a false case and issued a charge sheet on 19-2-86. On the basis of the charge sheet, an enquiry was held against the workman and to save the skin of Shri Gurmeet Singh without considering the evidence on record, gave a finding of enquiry against him. Rs. 3500/- was deposited by Shri Gurmeet Singh and Rs. 6500/- was collected by the staff to overcome the shortage of cash. No amount was deposited by the workman from his own pocket. Shri Gurmeet Singh absconded from duty immediately after the incident. This fact was brought to the notice of enquiry officer but of no result. Rs. 10,000 is said to be found lying in a bag in godam of the bank but the Chowkidar who found this bag did not bring before the enquiry officer for adducing evidence. On 27-10-85, the bank and the godam was closed and the Chowkidar has no access to the godam and the whole story of finding Rs. 10,000 from godam was fabricated. Shri Charandas and the other employees of M/s. Gupta Rice Mills were not produced in the enquiry proceedings to confirm the payment of Rs. 20,000. The enquiry officer has not afforded appropriate opportunity of being heard, proved the charges against the workman on the basis of surmises and conjectures and there was no iota of evidence to prove the charge against the workman.

On the basis of the above averments, the workman has prayed for setting aside the termination order and for his reinstatement with full back wages.

Management of State Bank of Patiala filed the written statement and stated that workman was guilty of serious acts of misconduct. On 10th October 1985, Shri Gurmeet

Singh was working on branch receipt counter and Shri K.C. Kataria was on payment counter. A shortage of Rs.20,000 occurred at the receipt counter of Shri Gurmeet Singh. This shortage was due to the transaction between Shri Gurmeet Singh and the workman, Shri K.C. Kataria. Shri Gurmeet Singh forgot to record the same transaction in his books. In the evening, while tallying cash, he could not recollect the transaction with Shri K.C. Kataria and assumed that the shortage had occurred at receipt counter on which he was working. He arranged to make good the shortage. Shri K.C. Kataria who was working on payment counter and was in access of Rs. 20,000 misappropriated the said sum to his advantage. Shri K. C. Kataria vide his letter dated 29-10-95, addressed to the Branch Manager admitted the fact of misappropriation. Later on, an amount of Rs. 10,000/- was found on 27th October, 1985 from the branch stationery room where Shri K.C. Kataria reportedly hidden the amount. The workman Shri K.C. Kataria admitted the misappropriation already done by him and also promised to deposit the remaining amount of 10,000 rupees within 10 days. On 5th November, 1985, a sum of Rs. 10,000 (6,500 contributed by Shri K.C. Kataria and Rs. 3,500 by Shri Gurmeet Singh) were deposited in the Branch sundry deposited account. The workman has also confessed in his letter dated 8-11-85 to the Regional Manager-II, Patiala that he had hidden Rs. 10,000/- in the stationery room which was found on 27-10-85. The workman by not disclosing the transaction of Rs. 20,000 on 10-10-85 which was in access with him and misappropriating the same for his own advantage, amounted to gross misconduct on his part in terms of Clause 19.5(J) of the first Bipartite Settlement dated 19-10-66.

It has also been stated by the management in its written statement that the workman in contravention to instructions contained in Para 2 (1) of Chapter-I of the Book of Instructions, borrowed money from the customers against the interest of the bank. For both of these causes, the workman was charge sheeted and after considering the reply of the workman enquiry was conducted by the competent authority. During the enquiry, full opportunity was given to the workman and enquiry report was submitted. The disciplinary authority issued a show cause notice dated 25-6-87 with the proposed punishment of dismissal and after considering the reply of the workman, the workman was dismissed from the service. Workman preferred an appeal which was dismissed by the appellate authority.

Shri K.C. Kataria, the workman and Shri K. D. Trivedi Chief Manager, on behalf of the management, filed their respective Affidavits and they were cross-examined by learned counsels of opposite party. In his cross examination, Shri K.C. Kataria has admitted as:

“It is correct that I had admitted my guilt before the Manager in writing. The said writing was got written from me under pressure. It is correct that an amount of Rs. 10,000

was found in stationery room after 2-3 days. I have not made any written complaint to any higher authority against the Branch Manager or the Regional Manager for getting my confessional statement recorded forcibly. It is correct that during the course of enquiry, I and my representative have been appearing on each and every date. My representative had cross examined the witnesses."

Likewise, Shri K.D Trivedi was also cross-examined by learned counsel for the workman. Shri Trivedi has stated in his cross-examination as:

"It is correct that Shri M.D. Sharma Regional Manager was also the disciplinary authority appeared as prosecution witness during the enquiry on behalf of the management. He appeared in the enquiry because of certain circumstances."

I have heard learned counsel for the parties and perused the entire material on record. Original file containing the enquiry proceedings, enquiry report, order for awarding punishment, appellate proceedings is on record. I have gone through the entire file.

First of all, I will consider the letters written by Shri K.C. Kataria which are said to be confessional statement of Shri K.C. Kataria by the management. On enquiry file, there are two letters which are said to be in the writing of Shri K.C. Kataria. In letter dated 8-11-85 which is numbered at 102 in the file, Shri K.C. Kataria has stated that he has already given it in writing that he has deposited Rupees 6,500. Rupees 10,000 which were found in stationery room were hidden by him. The shortage of Rupees 20,000 on 10-10-85 was the consequence of his act. It is my first fault. I am having tender aged children. I may be treated politely and humbly. In future, I will not commit such type of mistake. In another letter which is numbered as 103 in the enquiry file, Shri K.C. Kataria has stated that he has shared Rs.6,500/- out of the amount of Rs. 10,000/- which was deposited in the bank on 5-11-85. He has not signed the voucher.

Shri K.C. Kataria has agitated these letters on the ground that they were written under pressure and coercion. The fact that he wrote these letters under pressure and coercion are to be proved by Shri K.C. Kataria. He has not taken such plea in his statement of claim that he wrote these letters under pressure and coercion. In his cross-examination he admitted that he had admitted his guilt before the Manager in writing. The said writing was got written under pressure. The pressure on him is not mentioned anywhere. Moreover, he has also narrated in his cross-examination that he has not made any written complaint to any higher authority against the Branch Manager or the Regional Manager for getting his confessional statement recorded forcibly. I have also gone through the entire enquiry proceedings. During the enquiry, Shri K. C. Kataria has not raised the fact of getting his statement recorded under pressure. Nor he has stated it in

his statement of claim. For the very first time, during the cross-examination, while answering a question regarding confessional statement, he has stated that he wrote these letters under pressure without stating the cause of pressure and the method adopted for pressurizing the workman. Thus, it is a casual statement of the workman that he wrote the letter under pressure. There is no material on record, neither on enquiry file nor on the file of this Tribunal which shows even *prima facie* that these letters were written by Shri K.C. Kataria under pressure. Thus, the Tribunal is of the view that Shri K.C. Kataria wrote the letter voluntarily. The language of the letters shows that he admitted that the shortage of Rs.20,000/- was the fault on his part.

As per the documents available on record, it is evident that on 10th October 1985, Shri Gurmeet Singh Cashier was working on branch cash receipt counter whereas Shri Kataria on payment counter. A shortage in cash or Rs.20,000 occurred on 10th October, 1985 at the receipt counter where Shri Gurmeet Singh was working. Out of this 20,000 rupees, 10,000 was found on 27th October 1985, from the branch stationery room and Rs 10,000 was made good by Shri K.C. Kataria, the workman and Gurmeet Singh.

Shri Kataria was chargesheeted for misappropriation or amount or Rs.20,000 as it was the part of a transaction between Gurmeet Singh and Mr. Katria to which Mr. Gurmeet Singh forgot. During the enquiry, Shri Kataria, the workman, confessed that he has misappropriated Rs. 20,000 and Rs. 10,000 which was found from the branch stationery room on 27th October, 1985 was hidden by him. Chargesheet was given to him containing two charges. Charge No. 1 was regarding misappropriation of 20,000 rupees which was part of the transaction between Shri Gurmeet Singh and the workman Shri Kataria and the other charge was that Shri Kataria has taken advances from the customers of the bank against the bank's book instructions. Shri Kataria was charged for having the advances from 5 persons namely Tarsem Chand for Rs.1000, Shri Krishan Lal for Rs. 1000, Shri Pawan Kumar for Rs. 3,000, Shri Ram Lal for Rs.1000 and Shri Gyan Chand for Rs. 4,000. It was also stated in the chargesheet that Shri Kataria has not returned the advances taken from the above said persons.

Copy of the chargesheet was provided to the workman. 5 witnesses were examined on behalf of the management namely Shri M.B. Sharma PW1, Shri Gyan Chand Sharma PW2, Shri Balwan Malodia PW3, Shri Gurdial Singh PW4 and Shri Gurmeet Singh PW5. All these witnesses were cross-examined by the representatives of the workman in detail. The workman was also given the opportunity for defence and the workman produced 4 witnesses namely Shri Ram Lal DW1, Shri Harbilas Singh DW2, Shri Prem Chand Singla DW3 and Shri Bansari Dass DW4. After recording the evidence and affording the opportunity of being heard, the enquiry officer gave the enquiry report on 13th May, 1997. The disciplinary

authority after giving the opportunity of personal hearing on the proposed sentence of dismissal, dismissed the workman from the service. Enquiry officer in his enquiry report gave the finding on both of the charges as proved. Appeal against the sentence was also dismissed and that gave rise to this industrial dispute. The enquiry officer has afforded the full opportunity of being heard. He was competent to hold the enquiry and a reasonable and fair procedure was adopted by him. So far the charge No.1 is concerned. Shri Kataria admitted to the act of misappropriation through 2 letters which are on record. No doubt in his reply to the written statement, he has specifically denied for his confessional statement for reappropriating the amount of Rs. 20,000 but has stated that he simply gave in writing to the manager that he will pay the whole amount if any fault lies with him. But his confessional Letters bear the different language in which he has specifically confessed for misappropriating the amount and for soft corner on the part of punishment. In his cross-examination he has admitted that he has confessed before the Manager and the Regional Manager but his confession was forced. As stated earlier, he has not shown any circumstance which proves the confessional letter to be forced.

Apart from it, the other material on record and the evidence of the witnesses also corroborated the confessional statement. The workman, Shri Kataria, was working on the payment counter whereas Shri Gurmeet Singh was working on branch cash receipt counter. As per the official records, there is a practice in the bank to have a transaction between the cash receipt counter and the payment counter to avoid the frequent transaction from the volt of the bank. Thus, there was an opportunity to Shri Kataria to misappropriate the amount to which he has confessed. Moreover, the witnesses who have deposed before the Enquiry Officer have also corroborated the confessional statement and above stated opportunity to the workman. Accordingly, the Enquiry Officer rightly gave the report that charge No. 1 was proved and the workman has committed misconduct by misappropriating the amount of Rs. 20,000 which was from a transaction between the cash receipt counter. The confessional statement seems to be fair and without pressure. Moreover the principle of natural justice was complied with while conducting the enquiry and full opportunity of being heard was given to the workman. The procedure adopted for the enquiry was also fair, proper and reasonable. Thus, no interference is called for on the enquiry report of the enquiry officer on charge No. I.

So far as the charge No. II is concerned, the enquiry officer has not summoned all the persons who have complained against Shri Kataria for getting the advances. Out of 5 persons whose applications are on enquiry file, only one person named Shri Ram Lal was examined as DW 1. It is also to make clear that out of the 5, none of the

complainant was summoned by the Enquiry Officer. It was on the request of the workman that Shri Ram Lal was examined as DW 1. Shri Ram Lal in his examination has admitted for giving a complaint letter against Shri Kataria but has stated that he gave this application to pressurize Shri Kataria not to cause hindrance in transactions between him and the bank. He has specifically denied for giving any advance to Shri Kataria Likewise, there is no evidence on record which proves that Shri Kataria was in habit of having advances and loans from the persons who are customers or the bank against the bank's book instructions. The Enquiry Officer has given the report on charge No.2 just on the basis of the applications given by the 5 persons who have not supported or proved their applications. Moreover, one or the complainants was produced before the Enquiry Officer by the workman who has denied of giving any advance to Shri Kataria. Accordingly, the Enquiry Officer has wrongly held in his enquiry report that charge No. 2 is also proved against the workman.

Now, this Tribunal has to discuss the punishment given to the workman, Shri Kataria. On the basis of the enquiry report in which it was held that both of the charges are proved against the workman, the workman was dismissed from the service after giving an appropriate hearing. But as per the above discussion, only charge No. I is proved against the workman and the management has not able to prove the charge No.2. Whether the punishment of dismissal is inproportionate to the misconduct which is proved against the workman on charge No. I, is to be seen by this Tribunal? Learned Counsel for the management has relied upon a case law published in AIR 1999, Supreme Court, 2148 Narayan Dattatraya, Ramteerthakhor versus State of Maharashtra. In this judgment in Para No. 2 Hon'ble the Apex Court has held that where there is misconduct by conducting misappropriation of public money, the removal of the workman from the service is an appropriate order.

Learned counsel for the management has also relied upon a case law published in AIR 1967, Supreme Court, 2696, State of Punjab and Others versus Bakhshish Singh. In this judgment, Hon'ble the Apex Court has held as follows:

“It is settled legal position that it is for the disciplinary authority to pass appropriate punishment; the Civil Court cannot substitute its own view to that of the disciplinary as well as appellate authority on the nature of the punishment to be imposed upon the delinquent officer. In view of the finding of the Appellate Court that it is grave misconduct, the Appellate Court ought not to have interfered with the decree of the Trial Court.”

Learned counsel for the management has further relied on the judgment of Punjab and Haryana High Court published in 2002 (3) SCT Page No. 82 Nirmal Kaur versus Indian Red Cross Society Punjab and Others. In this

judgment, Hon'ble Punjab and Haryana High Court in Para No.9 has held that where a petitioner himself admits allegations of forgery, he cannot say that he was not properly heard in departmental proceedings. In Para No.6, Hon'ble the Punjab and Haryana High Court has also held that finding of guilty by the disciplinary authority although would not be normally interfered with but the same can be interfered only if same is on no evidence or is such could not be reached by an ordinary prudent man or is perverse or is made at the dictates of superior authority. Hon'ble High Court of Punjab and Haryana, in this case, has relied upon the judgment of Hon'ble the Apex Court published in 92 (2) Supreme Court Cases 10, Kuldeep Singh versus Commissioner of Police and Others.

Thus, from the above discussions, it is clear that charge No.1 for misappropriation of 20,000 rupees, to which he has confessed, is well proved. On the quantum of punishment, it is stated that before giving the punishment, the disciplinary authority has heard Shri Kataria in person. After hearing, the disciplinary authority passed an order of dismissal from the service. This Tribunal has very limited scope to interfere with the punishment given by the disciplinary authority. This Tribunal can interfere only if it is specified that punishment imposed by the management is wholly disproportionate to the degree of guilt of the workman concerned. If the Tribunal comes to the conclusion that the punishment given is shockingly disproportionate to the misconduct committed by the workman, the reasons are to be recorded.

The workman was working in a financial institution and for any financial institution, trust and confidence of the people in the institution is paramount. Likewise, the confidence of the management in the employee or the workman is also an important factor. If the confidence of the management in any workman or the employee is gone, the workman or the employee becomes a liability on the institution. In UPSRTC versus Mohan Lal Gupta, 2001 (I) SCT 430 (Supreme Court) it has been held by the Hon'ble Apex Court that :

"The employee has been found to be guilty of misappropriation and in such an event, if the appellant-corporation loses its confidence vis-a-vis the employee, it will be neither proper nor fair on the part of the Court to substitute the finding and confidence of the employer with that of its own in allowing reinstatement. The misconduct stands proved and in such a situation, by reason of the gravity of the offence, the Labour Court cannot exercise its discretion and after the punishment."

Thus, after going through the misconduct of the workman and on going through the various above mentioned judgments of Hon'ble Apex Court and the High Court, I am of the view that the punishment of dismissal from the service of Shri Kataria is in proportionate to the misconduct committed by him. Accordingly, no interference

in the punishment part is called for even if the charge No.2 has not been proved by the management. This reference is accordingly answered in positive that the action of the management of State Bank of Patiala in dismissing Shri K.C. Kataria by order dated 30-07-08 is legal and justified and the workman is not entitled to any relief. Central Government be informed. File be consigned.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 21 जुलाई, 2008

का. आ. 2270.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्थन रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नई दिल्ली नं.-II के पंचाट (संदर्भ सं. 160/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-07-2008 को प्राप्त हुआ था।

[सं. एल-41011/15/1996-आईआर(बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2270.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 160/1997) of Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi, as shown in the Annexure, in the Industrial dispute between the management of Northern Railway and their workmen, received by the Central Government on 21-07-2008.

[No. L-41011/15/1996-IR(B-1)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Presiding Officer : R. N. Rai. I. D. No. 160/1997

In the matter of :—

Shri Inder Lal and 54 others,
C/o the General Secretary,
Railway Casual Labour Union,
Near Daga School, Bikaner,
Rajasthan.

Versus

- I. The Dy. Chief Personnel Officer,
Northern Railway (Construction),
Construction Hqrs.,
Kashmere Gate,
Delhi.

2. The General Manager,
Northern Railway Headquarters,
Office Baroda House,
New Delhi.
3. The Divisional Railway Manager,
Divisional Office,
Northern Railway,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-41011/15/96-IR(B-I) Central Government Dt. 1-10-1997 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of Northern Railway in not regularising the services of 55 workmen as per list attached in the Delhi Division instead of Project (Construction Deptt.) with Head Quarter at Kashmere Gate, Delhi is just and fair? If not, to what relief the concerned workmen are entitled?”

The workman-applicant has filed claim statement. In the claim statement it has been stated that these workmen were initially engaged as daily wages basis during the period from 1972 to 1981 as has been specifically mentioned in respect of each workmen in annexure A. That these workmen were given Central Pay Scale Wages after working 120 days from the dates of initial engagement on daily wages basis as per decision of Central Government and Labour Court, New Delhi but they have not been regularized detail of which is given in Annexure B.

That these workmen were engaged in Construction Department of Signal and Telecommunication in the territory of Northern Railway Delhi Division.

That these workmen in spite of giving them Central Pay Scale after working 120 days, work have not been treated as temporary railway servant and Right and Privileges of temporary railway servant have not been given to them even after completing 120 days, work on daily wages basis and inspite of giving Central Pay Scale Wages twice i.e., one from date completing 120 days and thereafter for which this industrial dispute was raised. Annexure B (letter dated 15-4-1994) Annexure C Details of Payments made.

That these worked for more than 240 days in a Calendar year and became continuous industrial workers.

That this construction department with headquarters at Kashmere Gate, Delhi was started in the year 1969 and there is still no date has been fixed by railway for closing it in the near future.

That this Construction Department is operated throughout Northern Railway Zonal Area for remodelling signal and telecommunication micro waives installations over Northern Railway and maintaining and operating the same.

The work which these workmen are doing is of Permanent Nature.

That these workmen are being frequently transferred from one place to another place on Delhi Division Territory of Northern Railway as such they are not Project Workers of any Project at fixed place but employees of Construction Department of Railway.

That in view of aforesaid facts and circumstances this construction department is not a Project but construction department on open line on Railway as held by Division Bench of Hon'ble Delhi High Court in Case 1990 (6) Service Law Reporter 712 Union of India Versus Presiding Officer of Central Government Labour Court, New Delhi on 13-7-1988 and decided that this Construction Department is permanent department and workmen concerned are entitled to get temporary status of railway servant and Central Pay Scale on working 120 days on daily wages basis and on basis of this judgment these workmen have been given Central Pay Scale after 120 days but they have not been given other benefits of temporary railway servant e.g. Leave, free passes and P.T.Os, annual Grade Increment etc. although these are decided to be given to them as per judgment of Hon'ble Supreme Court in case Ram Kumar Versus Union of India decided on 2-12-57 and Reviewed on 6th September, 1990. [AIR 1988 SC 390 and 1994 Writ Law Reporter 234].

That these workmen are entitled to get temporary status and all its consequential benefits after working 120 days on daily wages basis as on open line and they are entitled to get their seniority declared in Delhi Division of Northern Railway and regularisation of their services in Delhi Division of Northern Railway but the same are not being given to them as such there is this industrial dispute.

That Hon'ble Supreme Court in case 1992(1) All India Services Law Journal (SLJ) 90 Union of India Versus Basant Lal has held that workmen of construction department are entitled to get all Rights of Wages and Privileges as on Open Line i.e. Central Pay Scale etc. after working 120 days on daily wages basis as on open line as such these workmen are also entitled to get the same and regularized on Delhi Division as also decided in case of Inder Pal Yadav Versus Union of India.

That in spite of these judicial pronouncements these 55 workmen have not been given rights and privileges of temporary railway servant and consequential benefits i.e. Leave, Annual Grade Increments, House Rent Allowances, Free Passes, P.T.Os and Seniority over Delhi Division of Northern Railway and Regularisation of Service on Delhi Division. As such this Industrial dispute was raised by Registered Trade Union of which they are members.

That in Industrial Dispute Act, 1947, in Sec. 2(Ra) in Para 10 Unfair Labour Practice has been defined as under:

“(1) To employ Workman as “badlies” Casual or temporaries to continue them as such for years with object

of depriving them of the status and privileges of Permanent Workman."

These 55 workmen; have served Railway for more than 18 years long considerable period still they have not been given Rights and privileges of Temporary Railway Servant and Regularisation of their services after working 120 days wages basis and their Seniority List has not been declared on Delhi Division as such it is clear case of unfair Labour Practice on the part of Management against these 55 workmen for which this Industrial dispute was raised.

That these 55 workmen raised Industrial Dispute in which conciliation proceedings were held and Failure Report submitted as per Letter No. ALC-I/B(ii) 95 dated 2-8-1996 Annexure -D.

That on the basis of Failure report because management declared to consider and agree with Demands of these 55 workmen has referred this Industrial Dispute to Hon'ble Tribunal as action of the management of Northern Railway in not regularizing the services of 55 workmen as per list attached in the Delhi Division instead of Project (Construction Department) with Headquarter at Kashmere Gate is unjust and improper and unfair labour Practice and these workmen are entitled to be treated as temporary railway Servant on completion of 120 days work on daily wages and to get all consequential benefits of leave, Free Passes PTOs, Annual Grade Increments, House Rent Allowance, City Allowance etc. and to get Seniority and Regularisation with effect from dates junior employees have been regularized and to get Promotional benefits in Delhi Division and workmen in Artizan Staff grade Rs. 260-400 and 950-1500 are entitled to be regularized in same Grade and Post on 120 daily Wages basis work.

The management filed written statement raising preliminary objections. That the application has not been made, instituted, signed and filed by any properly authorized person on behalf of the applicant.

That the applicant has no cause of action against the opposite parties, hence, deserves dismissal.

That the applicant has not come to this Hon'ble court with clean hands and has suppressed rather misrepresented the facts which are very material for the purpose of proper adjudication of the matter, in controversy pending before this Hon'ble Court and is guilty of "Suppresso-Veri" and on the face of the submissions contained in the Written Statement on merits the applicant is not entitled to any relief.

That the present application is nothing but only an exercise in verbosity without any substance and only an abuse of the process of law, hence, deserves no consideration.

That the present application is not maintainable and is liable to be dismissed as the claim of the applicant is

false, frivolous, vexatious, devoid of any merit and untenable in law.

That the workman/ applicant was a project casual labour and as such is covered under Special scheme formulated in due deference to the orders of the Hon'ble Supreme Court of India in Civil Miscellaneous Petition No. 4087/85 (in W.P.Nos. 147 & 320-69 of 1983) dated 11-8-86 (case of I.P. Yadav) and reaffirmed in Ram Kumar & others Vs. Union of India and decided on 2-12-87. As such the applicant is not entitled to prefer any further claim which shall be violative of the aforesaid judgments/directions of the Hon'ble Supreme Court.

That the applicants come within the definition of causal labour (Project) as defined in para 2001 Chapter XX of Indian Railway Establishment Manual.

That the competent Authority has declared the work in which the applicant is working is "Project" under Para 2501 of the Indian Railway Establishment Manual.

That the applicants were appointed as a casual Project labour and was paid in accordance with the extant Rules prevailing at the time of his appointment the applicants were a project casual labour and worked on a Project as defined in para 2501 of Indian Railway Establishment Manual. The applicant was given temporary status retrospectively and paid in accordance with extent rules.

That since the applicants were project casual labours they were working against the project which was planned, envisages work duly sanctioned by the competent authority with time limitation. On completion of the project the applicants were deputed to work against new project or and other project sanctioned from time to time.

That the organization in which the applicants were working is a project construction organization which is not a permanent organization of the Railway. This construction organization is not a part and parcel of Open Line but is in existence as long as the construction work on the railway is in progress.

That there is a directive from the Ministry of Railways, Railway board, regarding giving of temporary status to the Project casual labour after continuous working for 360 days as being given to the casual labour of Open Line after 120 days and as such no benefit can be accorded to the applicants.

That the Hon'ble Supreme Court in Ram Kumar and others Vs. Union of India and others decided on 2-12-87 has held that it is difficult to obliterate the distinction between two categories of employees viz. Casual labour i.e. Open Line Casual Labour and Project Casual Labour till temporary status is acquired. Temporary status to Open Line Casual Labour is being granted after completion of 120 days of continuous employment and the project casual labour is granted temporary status after working for 360

days. The applicant has been paid according to the extent instructions of the Railway Board. He is due nothing from the Management.

Classification of Casual Labour "Open Line" and Casual Labour (Project) is a reasonable classification which is legally permissible under Article 14 & 16 of the Constitution of India which has been approved and accepted by Hon'ble Supreme Court in their judgement dated 11-8-86 and reaffirmed in another judgement dated 2-12-87.

That this reference is not competent and this Hon'ble court has no jurisdiction in view of Section 3(q) of the Administrative Tribunals Act, 1985 to adjudicate upon the subject matter pending between the parties.

It is submitted that all the casual labour except item No. 9, 14, 48, 50 & 53 as shown in the list annexed as Annexure "A" have been regularised and posted on Delhi division/DY. CSTE/MWM/NDLS. However, the casual labour shown against item Nos. 9,14,48,50 & 53 were offered with appointment letters for regularization but they did not turn up for regularization.

The applicant was appointed as a casual Project labour and was paid in accordance with the extant Rules prevailing at the time of his appointment. The applicant was a Project casual labour and worked on a Project as defined in Para 2501 of Indian Railway Establishment Manual. The applicant was given temporary status retrospectively and paid in accordance with extant rules.

It is submitted that they were granted temporary status with effect from 1-1-81, 1-1-82, 1-1-83 and 1-1-84 or after completion of 360 days as per Scheme formulated in due deference to the orders of the Hon'ble Supreme Court of India in Civil Miscellaneous Petition No.40897/85(in WP Nos. 147 & 320-69 of 1983) dated 11-8-1986, in the case of Shri Inder Pal Yadav & others, being constn.project unit. As per the Hon'ble Supreme Court's decision they are not entitled for grant of temporary status on completion of 120 days continuous service. It is submitted that the difference of pay between 180 days & 120 days has already been made to the casual labours as per court's orders to ensure Court's orders compliance but Civil Writ Petition in the High Court, Delhi is still pending.

Out of the 55 Casual labours who were engaged in S & T Construction Department, casual labours has been regularized & transferred from this unit to Open Line in the different office as indicated against each.

They were not given C.P.C. scale on completion of 120 days continuous service but they were granted temporary status on completion of 120 days continuous service as they were working in Constn.Deptt. They had been granted temporary status as per Supreme Court's orders i.e. w.e.f. 1-1-81 and onwards they are getting all

privileges similar to temp. Railway servants such as pass/PTOs/Leave & annual increment. All the construction works are carried out under the direction of Construction Hd. Qrs/Kashmere Gate/Delhi in accordance with the allotment of work and funds from the Railway Board. All the posts in the Construction Department are work charged posts. Therefore, it is not a permanent Deptt. as alleged.

That para 9 of the application as averred is absolutely wrong and hence vehemently denied. This construction department is working throughout the Northern Railway on different Zonal area for S & T installation and on completion of the Construction work, the installation is handed over to the "Open Line" for maintenance purposes. The nature of work of Construction Deptt. is quite different in comparison with that of the Open line".

They are deputed to carry out the construction work on the Section for which they are being paid T.A./D.A. In some exceptional cases the staff are posted out stations on the request of the employees considering their hardships.

In terms of REM Para 2501 , this is a Constn. Project unit and not a Open line. In this Constn./Project deptt. All the posts are work-charged post. Supreme Court has also treated this unit as project unit and framed a Scheme for grant of temporary status & their regularization in the case of Shri Inder Pal Yadav & Ors. And Shri Ram Kumar & others, as per the supreme Court's orders, they are not , entitled for grant of temporary status on completion of 120 days continuous service on project. They were paid wage after completion of 120 days instead of 180 days as per court's orders. Civil Writ petition is pending in the High Court, Delhi. They have been granted temporary status as per Supreme Court's Scheme w.e.f. 1-1-81 and onwards in the case of Shri Inder Pal Yadav & others, the staff of Constn. / project deptt. And most of them as detailed in the list attached as Annexure 'A' has been regularized on Delhi division/Dy.CSTE/MWM and they are getting all privileges like Pass/PTOs, leave and annual increments etc. as per rules.

They are not entitled for grant of their temporary status on completion of 120 days while working on constn. Project unit. They have been regularized on Delhi Division except the workmen shown at item No.9;14,48,50 & 53 and their seniority assigned on Delhi Division & Dy.CSTE/ MWM, New Delhi.

That the workman/applicant was a project casual labour and as such is covered under Special Scheme formulated in due deference to the orders of the Hon'ble Supreme Court of India in Civil Miscellaneous Petition No. 40897.85p (in WP Nos.147 & 320-69 of 1983) dated 11-8-1986 and reaffirmed in Ram Kumar & others Vs. Union of India decided on 2-12-87, they have already been paid with the wages & privileges as per Shri Inder Pal Yadav's

case and regularized on Delhi Division. Consequently he is not entitled to prefer any further claim which shall be violative of the aforesaid judgments/directions of the Hon'ble Supreme Court of India.

It is submitted that all the 55 workmen have been given all privileges, such as pass/P.T.Os, Leave & increment, HRA like temporary Railway servant w.e.f. 1-1-81 and onwards and regularized on Delhi Division, Dy.CSTE/MWM/NDLS and seniority has also been assigned.

All the workmen have been granted temporary status as per Supreme Court's judgment in the case of Sh. Inder Pal Yadav & others and they have been given all the privileges of temporary Rly. Servant and regularized on Delhi Division/dy.CSTE/MWM/NDLS and their seniority assigned except workmen as shown against item Nos. 9, 14, 48, 50 & 53.

All the workmen except item Nos. 9, 14, 48, 50 & 53 have been regularized on Delhi Division / Dy. CSTE/MWM/NDLS on being declared fit in the screening and they are getting all the rights & privileges as per rule w.e.f. 1-1-81.

The workmen applicants have filed rejoinder. In the rejoinder they reiterated the averments of their claim statement and have denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workmen that Construction Department is not a Project but Construction Department is on open line on Railway as held by Division Bench of Hon'ble Delhi High Court in Case 1990 (6) Service Law Reporter 712 Union of India Versus Presiding Officer of Central Government Labour Court, New Delhi on 13-7-1988 and decided that this Construction Department is Permanent Department and Workmen concerned are entitled to get temporary status of Railway Servant and Central Pay Scale on working 120 days on daily wages basis and on basis of this judgement these workmen have been given Central Pay Scale after 120 days but they have not been given other benefits of temporary Railway servant e.g. Leave, free passes and P.T.Os annual Grade Increment etc. although these are decided to be given to them as per judgement of Hon'ble Supreme Court in case Ram Kumar Versus Union of India decided on 2-12-57 and Reviewed on 6th September, 1990 (AIR 1988 SC 390 and 1994 Writ Law Reporter 234).

It was further submitted that these workmen are entitled to get temporary status and all its consequential benefits after working 120 days on daily wages basis as on open line and they are entitled to get their Seniority declared

in Delhi Division of Northern Railway and regularisation of their services in Delhi Division of Northern Railway but the same are not being given to them as such this Industrial Dispute.

That the 55 workmen have served Railway for more than 18 years long considerable period still they have not been given Rights and privileges of Temporary Railway Servant and Regularisation of their services after working 120 days wages basis and their Seniority List has not been declared on Delhi Division as such it is clear case of unfair Labour Practice on the part of Management against these 55 workmen for which this Industrial dispute was raised.

It was submitted from the side of the management that the competent Authority has declared the work in which the applicant is working is "Project" under Para 2501 of the Indian Railway Establishment Manual.

That there is a directive from the Ministry of Railways, Railway Board, regarding giving of temporary status to the Project casual labour after continuous working for 360 days as being given to the casual labour of Open Line after 120 days and as such no benefit can be accorded to the applicants.

That the Hon'ble Supreme Court in Ram Kumar and others Vs. Union of India and others decided on 2-12-87 has held that it is difficult to obliterate the distinction between two categories of employees viz. Casual labour i.e. Open Line Casual Labour and Project Casual Labour till temporary status is acquired. Temporary status to Open Line Casual Labour is being granted after completion of 120 days of continuous employment and the project casual labour is granted temporary status after working for 360 days. The applicants have been paid according to the extent instructions of the Railway Board. He is due nothing from the Management.

It was further submitted that classification of Casual Labour "Open Line" and Casual Labour (Project) is a reasonable classification which is legally permissible under Article 14 & 16 of the Constitution of India which has been approved and accepted by Hon'ble Supreme Court in their judgement dated 11-8-86 and reaffirmed in another judgement dated 2-12-87. It is submitted that all the casual labour except item Nos. 9, 14, 48, 50 & 53 as shown in the list annexed as Annexure "A" have been regularised and posted In Delhi division/DY.CSTE/MWM/NDLS. However, the casual labour shown against item Nos. 9, 14, 48, 50 & 53 were offered with appointment letters for regularization but they did not turn up for regularization.

They are not entitled for grant of their temporary status on completion of 120 days while working on Const. Project Unit. They have been regularized on Delhi Division except the workmen shown at item Nos. 9, 14, 48, 50 & 53 and their seniority assigned on Delhi Division & Dy.CSTE/MWM, New Delhi.

It is submitted that all the 55 workmen have been given all privileges, such as pass/P.T.Os, Leave & increment, HRA like temporary Railway servant w.e.f 1-1-81 and onwards and regularized on Delhi Division, Dy. CSTE/MWM/NDLS and seniority has also been assigned.

The simple question involved in this case is whether the workmen are entitled to be given central pay scale on completion of 120 days on daily wages basis or after 120 or 360 days. Another question is whether the workmen should be considered a casual project labours or open line casual labours. The open line casual labours are given temporary status after completion of 120 days as is admitted to the management and casual project labours are given temporary status after 360 days of working. According to the management casual project labours working on construction project unit are entitled to temporary status after completion of 360 days work.

It is admitted to the management that all the workmen have been given temporary status after 360 days of completion of service and they are being provided all the facilities of temporary railway servant w.e.f. 01-01-1981 and have been regularized.

It has been held in AIR 1993 SC 188 by the Hon'ble Supreme Court that casual labours employed i.e. construction division of railway shall not be deemed to be employed on project work. They are entitled to get salary as temporary employees after completion of 120 days service. Rule of 360 days service is not applicable since they were not employed on project work.

It is admitted to the management that the workmen in the instant case were employed in construction division of railways. The Hon'ble Supreme Court has held that casual labours employed in construction division of railways shall not be deemed to be employed on project work. The Hon'ble Supreme Court has also held that the casual labours employed in construction division should be given temporary status after completion of 120 days service. Rule of 360 days service should not be applicable to them as they were not employed on project work. All the workmen in the instant case admittedly have been employed in construction division. As per the judgment of the Hon'ble Supreme Court, construction division is not a project and casual labours in construction division are entitled to salary as temporary employees after completion of 120 days.

The management has admitted that the workmen are working in construction division. The construction division is not a project. The management should confer temporary status on these workmen after completion of 120 days service and not after completion of 360 days of service.

It has been submitted by the management that all the casual labours except item Nos. 9, 14, 48, 50 & 53 as shown in the list have been regularized and posted in Delhi Division.

Thus, subsequent to the reference the workmen have been regularized. In view of the judgment of the Hon'ble

Supreme Court these casual labours are to be conferred temporary status after 120 days of service.

The reference is replied thus:

All the casual workmen have been regularized except five who have not been available, so reference regarding regularization of these casual labours has become infructuous. The workmen are entitled to be given temporary status after 120 days of working. The management should fix their salary giving them temporary status after 120 days of working and consider seniority in view of the conferment of temporary status after completion of 120 days service.

The award is given accordingly.

Date : 17-7-2008 R. N. RAI, Presiding Officer

नई दिल्ली, 21 जुलाई, 2008

का. आ. 2271.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं.-2, नई दिल्ली के पंचाट (संदर्भ सं. 79/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-2008 ग्राह करता है।

[सं. एल-12012/142/2001-आई.आर.(बी.-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2271.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 79/2001) of Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi, as shown in the Annexure, in the Industrial dispute between the management of State Bank of India, and their workman, received by the Central Government on, 21-07-2008.

[No. L-12012/142/2001-IR(B-1)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Presiding Officer : R.N. RAI. I. D. No. 79/2001

In the Matter of :—

Shri Naval Kishore,
S/o Sh. Bhanwar Lal,
R/o. B-1/5, Sultanpuri,
New Delhi-110041.

Versus

The Asstt. General Manager,
State Bank of India,
Delhi Zonal Office,
11, Sansad Marg, New Delhi-110001

AWARD

The Ministry of Labour by its letter No. L-12012/142/2001 (IR(B-1) Central Government Dt. 16-10-2001 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether Sh. Nawal Kishore is a workman of the State Bank of India u/s 2 (s) of the ID Act, 1947? If so, whether the action of the management of State Bank of India in terminating the services of said workman w.e.f. 29-02-1997 is justified? If not, what relief the said workman is entitled.”

The case of the workman is that he was employed in the services of the bank at Mayapuri on 28-03-1994 as water boy cum messenger. The workman worked there continuously up to 19-02-1997 without any break. The supplying and providing water to the customers of the bank and the staff is an essential requirement/ service. The provision of drinking water in the branch is incidental to the main banking business. The workman was employed to provide drinking water to the customers and staff and therefore, he falls under the definition of the workman.

The workman has illegally and arbitrarily retrenched without payment of retrenchment compensation and one month's pay in lieu of notice in violation of Section 25-F of the ID Act, 1947.

The case of the management is that there is no employer-employee relationship between the management and the workman. The applicant is not a workman in view of Section 2 (s) of the ID Act, 1947. The document produced by the workman are forged and false. The workman was only supplying water and has charged for the same by raising bills. He did not perform any other duty. The workman supplied drinking water at odd hours only in the morning and late evening. Shortage of water compelled the bank to engage water boy for short time.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

The workman has stated in his cross-examination that he used to furnish bill for supplying drinking water to the management and he received payment according to the bill submitted to him. So from the cross-examination of the workman it becomes quite obvious that he was engaged only as water boy and he prepared bill of the water supply.

The workman has filed photocopies of attendance register. This attendance register shows that he has worked for more than 240 days. It also shows that payment to him has been made for specific period within five days.

It has been held in (2007) 9 Supreme Court Cases 353 as under:

“Labour Law—Industrial Disputes Act, 1947—S. 25-F—Relief to be given for violation of—Grant of compensation instead of reinstatement with full back wages - When warranted - Workman appointed as daily wager, working for only a short period, raising industrial dispute almost six years after dismissal, and there being question as to the whether his appointment had been made in terms of the statutory rules in the first place—Held, relief of reinstatement with full back wages would not be granted automatically only because it would be lawful to do so Several factors have to be considered, two of them being as to whether appointment in question had been made in terms of the statutory rules, and the delay in raising the industrial dispute—In present case, keeping in view the nature and period of services, and the delay in raising the industrial dispute, award of reinstatement with back wages substituted by compensation of Rs. 75,000/-.

The workman has admitted that he supplied water to the bank and he prepared bill and he got payment, so his engagement was not against any sanctioned post. He was engaged for the specific purpose of supplying water. He is a workman no doubt and he has worked and he has supplied water for more than 240 days but there is no such post of water boy. He was engaged in exigencies of shortage of water for supplying water so he is entitled to retrenchment compensation and one month's pay in lieu of notice in view of Section 25-F of the ID Act, 1947.

The reference is replied thus :—

Sh. Nawal Kishore is a workman of the State Bank of India u/s 2 (s) of the ID Act, 1947. The action of the management of State Bank of India in terminating the services of said workman w.e.f. 29-02-1997 is not justified. The workman is entitled to an amount of Rs. 50,000 by way of retrenchment compensation. The management should pay Rs. 50,000 (Rs. Fifty Thousand Only) to the workman within two months from the date of the publication of the award.

The award is given accordingly.

Date : 11-7-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 21 जुलाई, 2008

का. आ. 2272.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नई दिल्ली न.-2 के पंचाट (संदर्भ सं. 186/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-07-2008 को प्राप्त हुआ था।

[सं. एल-12012/32/1997-आईआर(बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2272.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 186/1997) of Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi, as shown in the Annexure, in the Industrial dispute between the management of State Bank of India, and their workmen, received by the Central Government on 21-07-2008.

[No. L-12012/32/1997-IR(B-1)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI**

Presiding Officer : R.N. RAI I. D. No. 186/1997

In the Matter of:

**Shri Giri Raj Prasad Sharma,
S/o Sh. Chiranjit Lal Sharma,
RZD-72 D, Sita Puri,
Palam Road,
New Delhi-110045.**

Versus

**The Regional Manager
State Bank of India,
Region-III, DZO II,
Sansad Marg, New Delhi**

AWARD

The Ministry of Labour by its letter No. L-12012/32/97 IR(B-I) Central Government Dt. 8-11-1997 has referred the following point for adjudication.

The point runs as hereunder:—

"Whether the action of the management of State Bank of India in terminating the services of Sh. Giri Raj Prasad Sharma, Water Boy, S/o. Sh. Chiranjit Lal Sharma w.e.f. 18-05-1996 is just and fair? If not, to what relief the workman concerned is entitled."

The case of the workman is that he was working with the management at its Kirby Branch, Delhi Cantonment since 1-04-1994 as waterboy Class - IV post when his services were unjustifiably terminated on 18-05-1996. The workman worked with the management from 1-04-1994 to 17-05-1996.

That the services of the workman were illegally terminated by the management without payment of retrenchment compensation and one month's pay in lieu of notice.

The case of the management is that the workman was not appointed through recruitment process. He was engaged as casual labour for one hour or so on daily basis to fill the water in the coolers in the morning. It is the duty of the supplier of the cooler to run the cooler and keep them in fit working condition. The supplier of the coolers engaged the workman. The claimant was not under the employment of the management so there was no question of payment of bonus and equal pay for equal work.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he worked continuously from 11.04.1994 to 18.05.1996. His services have been terminated illegally without payment of retrenchment compensation and one month's pay in lieu of notice.

It was submitted from the side of the management that the workman was engaged as waterboy for filling water in coolers. He was supplied by the contractor to fill the coolers. The workman has admitted in his cross-examination that he was called by the bank and he was engaged as waterboy. Initially he was engaged in the months of summer for filling water in the coolers.

This witness has further admitted that he was engaged by AGM, Sh. S.L. Grover and he has given him chit which he has lost.

The workman has filed vouchers. From perusal of these vouchers it becomes quite obvious that payment to him has been made on daily wages basis. He has been paid sometimes Rs. 30, sometimes Rs. 40 and sometimes Rs. 28. No payment to him has been made on monthly basis. It appears that the bank made payment to him on the day he performed the work. He cannot be said to be a muster roll casual labour engaged on temporary basis. In vouchers the work performed by the workman has been specifically mentioned. In one voucher it is mentioned that he cleaned all the tables and containers. In some vouchers payment to him was made for filling water in coolers. Most of the documents filed by him are not legible. He has not worked against any sanctioned post but he was engaged on need basis. On 20-12-1994 he has been made payment of Rs.15 and on 19-12-1994 payment of Rs.75/. Payment to this workman was made by the bank for the work taken from him on a particular day. On some dates payment of Rs.10 has been made to him.

From perusal of the vouchers it becomes quite obvious that some duty was assigned to the workman and

after that, payment to him was made on the same day. Some of the documents filed by him are not legible.

It has been held in (2007) 9 Supreme Court Cases 353 as under :—

“Labour Law—Industrial Disputes Act, 1947—S. 25—F.Relief to be given for violation of - Grant of compensation instead of reinstatement with full back wages—When warranted—Workman appointed as daily wager, working for only a short period, raising industrial dispute almost six years after dismissal, and there being question as to the whether his appointment had been made in terms of the statutory rules in the first place—Held, relief of reinstatement with full back wages would not be granted automatically only because it would be lawful to do so—Several factors have to be considered, two of them being as to whether appointment in question had been made in terms of the statutory rules, and the delay in raising the industrial dispute—In present case, keeping in view the nature and period of services, and the delay in raising the industrial dispute, award of reinstatement with back wages substituted by compensation of Rs. 75,0001.

In this case the Hon’ble Apex Court has awarded compensation in view of the fact that the post is not existing and the workman did not serve the respondent regularly. In the instant case also the workman worked as per need basis.

The workman has not performed work against any sanctioned post. He was not engaged on monthly basis. Payment to him was made for particular work performed by him on a particular day. However, the vouchers indicate that the workman has worked for more than 240 days but not against any sanctioned post. He has himself admitted that he was engaged for filling water.

It is settled law that if a workman has worked for 240 days, the management should make payment of compensation at the time of retrenchment. This workman has not worked against any sanctioned post. There is no post of waterboy, so this workman is entitled only to retrenchment compensation in view of the law mentioned above.

The reference is replied thus :—

The action of the management of State Bank of India in terminating the services of Sh. Giri Raj Prasad Sharma, Water Boy, S/o. Sh. Chiranjit Lal Sharma w.e.f. 18-05-1996 is neither just nor fair. The workman applicant is not entitled to reinstatement. He is only entitled to compensation of Rs. 50,000 (Rs. Fifty Thousand Only). The management should make payment of Rs. 50,000 within two months from the date of the publication of the award.

The award is given accordingly.

Dated 10-7-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 21 जुलाई, 2008

का. आ. 2273.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नार्थ कैनरा जी. एस. बी. को.ओपरेटिव बैंक लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, मुम्बई-नं.-2 के पंचाट (संदर्भ सं. 06/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-07-2008 को प्राप्त हुआ था।

[सं. एल-12012/163/2006-आईआर(बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2273.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 06/2007) of Central Government Industrial Tribunal-cum-Labour Court-II, Mumbai as shown in the Annexure, in the Industrial dispute between the management of North Kanara GSB Co-operative bank Ltd., and their workmen, received by the Central Government on 14-07-2008.

[No. L-12012/163/2006-IR(B-1)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

PRESENT

A. A. LAD : Presiding Officer

Reference No. CGIT-2/6 of 2007

Employers in Relation to the Management of North Kanara GSB Co-operative Bank Ltd.

The General Manager
North Kanara GSB Co-operative Bank Ltd.
Laxmi Sadan
361, Vithalbhai Patel Road
Girgaum, Mumbai 400 004.

and

Their Workmen

Shri Gurunath D. Deshpande
Flat No. 102, Aditya Smriti
Behind Bank of India Rajaji Path,
Ramnagar Dombivli (E)
Distt. Thane 421 201.

APPEARANCES

For the Employer : Mr. M. V. Bhat, Advocate
For the Workmen : No appearance.

Mumbai, dated 27th June, 2008.

AWARD

The Government of India, Ministry of Labour by its Order No. L-12012/163/2006/IR(B-I) dated 12-1-2007 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

“Whether Shri Gurunath D. Deshpande is a ‘Workman’ as defined under the I.D. Act, 1947? If so, whether the action of the management of North Kanara GSB Co-operative Bank Ltd., Mumbai in terminating the services of Shri Gurunath D. Deshpande is justified? If not, what relief Shri Gurunath D. Deshpande is entitled to?”

2. In reply to the notices sent to second party, he appeared and filed Vakalatnama at Ex-5. Against that management filed Vakalatnama Ex-4. Later on workman and his advocate stopped reporting in the proceeding and no steps were taken by the second party workman or by his Advocate to proceed with the reference.

Hence the order:

ORDER

Reference is disposed of
for want of prosecution.

Dated : 27-6-2008

A. A. LAD, Presiding Officer

नई दिल्ली, 21 जुलाई, 2008

का. आ. 2274.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दि बैंक ऑफ राजस्थान लि. के प्रबंधत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, अजमेर के पंचाट (संदर्भ सं. 02/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2008 को प्राप्त हुआ था।

[फा. सं. एल-12012/240/2003-आईआर(बी 1)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2274.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 02/2004) of Industrial Tribunal-cum-Labour Court, Ajmer, as shown in the Annexure, in the industrial dispute between the management of the Bank of Rajasthan Ltd., and their workmen, received by the Central Government on 14-07-2008.

[F. No. L-12012/240/2003-IR(B-1)]

SURENDRA SINGH, Desk Officer

अनुबन्ध

श्रम न्यायालय एवं औद्योगिक न्यायाधिकरण, अजमेर (राज.)

पीठसीन अधिकारी : श्री आर.एस. मीणा, आरएचजे.एस

प्रकरण संख्या-सीआईटीआर-02/04

[केन्द्र सरकार का रेफरेंस नं एल-12012/240/2003-

आईआर (बी-1) 15-3-04]

दि प्रेसिडेंट, राज. (स्टेट) बैंक वर्कर्स आरगेनाइजेशन, एसबीबीजे
मार्या रोड, एल. आई. सी. बिल्डिंग, पाली मारवाड़ (राज.)

.....प्रार्थी

बनाम

1. दि मैनेजिंग डायरेक्टर, दि बैंक ऑफ राज. लि., सी-3, सरदार पटेल मार्ग सी स्कीम, जयपुर

2. दि असिस्टेंट जनरल मैनेजर, दि बैंक ऑफ राज. लि., रीजनल ऑफिस चौपासनी रोड, जोधपुर

.....अप्रार्थीगण

उपस्थित : श्री रामअवतार अग्रवाल, प्रार्थी स्वयं ।
श्री सतीशचंद गुप्ता, सहायक प्रबंधक, अप्रार्थी पक्ष की ओर से ।

दिनांक: 09-6-08

अवार्ड

केन्द्र सरकार द्वारा प्रेषित विवाद निम्न प्रकार है:-

- (1) क्या नियोजक सहायक महाप्रबंधक एवं अधिसूचित अनुशासनात्मक अधिकारी, दि बैंक ऑफ राजस्थान लि. क्षेत्रीय कार्यालय, जोधपुर द्वारा अपने पत्र दि. 22/आरओ जेओडी/पीआईआर/23100/2003 दि. 15-3-2003 द्वारा कर्मकार श्री रामअवतार अग्रवाल, प्रधान रोकड़िया बर्खास्त, दि बैंक ऑफ राजस्थान लि. शाखा स्टेशन रोड, अजमेर को उसकी व्यक्तिगत सुनवाई दि. 5-4-2003 को उसके प्रतिनिधि की उपस्थिति पर रोक लगाने का आदेश दिया जाना उचित एवं वैध है?
- (2) औद्योगिक विवाद अधिनियम के तहत समझौता कार्यावाही के चलते सेवा शर्तों में परिवर्तन कर अपने आदेश दि. 26-6-2003 के द्वारा सेवा से बर्खास्त करना उचित एवं वैध है? यदि नहीं तो कर्मकार अपने नियोक्ता से किस राहत को पाने का अधिकार है?”

नोटिस के उपरांत उभयपक्ष उपस्थित आये। प्रार्थी पक्ष ने अपने क्लेम (मांग सूची) के विवरण में अंकित किया है कि क्लेम में परिवर्तन एवं परिवर्तन के अधिकार को सुरक्षित रखते हुए अप्रार्थी सं. 2 द्वारा जारी पत्रांक 22 दि. 15-3-2003 के द्वारा श्रमिक श्री रामअवतार, अग्रवाल, प्रधान रोकड़िया (बर्खास्त) दि बैंक ऑफ राजस्थान लि., शाखा स्टेशन रोड, अजमेर को उसकी व्यक्तिगत

सुनवाई दि. 5-4-2003 को उसके बचाव प्रतिनिधि की उपस्थिति पर रोक संगाने को आदेश को अनुचित एवं अवैधानिक घोषित करते हुए अनुचित श्रम व्यवहार घोषित किया जाकर अनुतोष पारित किया जावे, साथ ही आई.डी.एक्ट के प्रावधानों के तहत समझौता कार्यवाही के चलते सेवा शर्तों में परिवर्तन कर अपने आदेश दि. 26-6-2003 द्वारा प्रार्थी श्रमिक श्री रामअवतार अग्रवाल को सेवा से बर्खास्त करने के कारण को अनुचित एवं अवैधानिक घोषित करते हुए सेवा बर्खास्ती के आदेश को निरस्त किये जाने का अनुतोष प्रार्थी श्रमिक के हक में जारी करवा कर प्रार्थी की सवेतन बहाली, समस्त हितलाभ सहित जारी करवाने का निवेदन किया है साथ ही अन्य कोई आदेश प्रार्थी पक्ष के हित में उचित हो, भी जारी करवाने की प्रार्थना की है क्योंकि अप्रार्थी सं. 2 द्वारा प्रार्थी रामअवतार को बिना किसी विधिक आधार के पूर्णतया अनुचित एवं अवैधानिक तरीके से निलंबित किया है। आगे अंकित किया है कि अप्रार्थी सं. 2 ने पत्र दि. 6-6-2001 द्वारा प्रार्थी रामअवतार के विरुद्ध एक आरोप पत्र जारी किया जिसका संतोषप्रद उत्तर देते हुए भी नियोजक ने उत्तर से असहमति प्रकट करते हुए कर्मकार के विरुद्ध जांच अधिकारी की नियुक्ति कर जांच कार्यवाही प्रारंभ कर दी और जांच रिपोर्ट अनुशासनात्मक प्राधिकारी को भेज दी जिसमें प्रस्तावित दंड दिया गया था जिसकी व्यक्तिगत सुनवाई में बचाव प्रतिनिधि को उपस्थित नहीं होने बाबत अंकित किया गया था, जिसे प्रार्थी ने संविधान की धारा 31। के तहत अनुचित एवं अवैधानिक होना उल्लिखित किया है। अंत में प्रार्थी ने अंकित किया है समझौता कार्यवाही के चलते कर्मकार की सेवा शर्तों में परिवर्तन कर धारा 33 का उल्लंघन कर कर्मकार को सेवा से बर्खास्त किया है जिसके लिए नियोजक ने सेवा शर्तों में परिवर्तन से पूर्व न तो सहायक श्रम आयुक्त (केंद्रीय) को प्रार्थना पत्र दिया न ही पूर्णअनुमति दी जिसके लिये नियोजक को दोषी होना बताया है।

जबाब में अप्रार्थी नियोजक की और से प्रार्थी पक्ष द्वारा प्रस्तुत क्लेम में उल्लिखित तथ्यों का खंडन करते हुए अंकित किया है कि प्रार्थी मूलनियन की ओर से पेशशुदा क्लेम बिना किसी अनुतोष राहत एवं राशि दिलवाये हर्जे-खर्चे सहित खारिज फरमाया जाकर रेफरेंस में कोई राहत नहीं का अवार्ड पारित किये जाने का निवेदन किया है, साथ ही स्वयं द्वारा प्रस्तुत जबाब एवं प्रारंभिक आपत्तियों में संशोधन व परिवर्तन के अधिकार को भी सुरक्षित रखने का निवेदन किया है क्योंकि अनुशासनात्मक अधिकारी को अपने अधीन कार्यरत कर्मचारी को निलंबित करने का वैधानिक अधिकार प्राप्त है। प्रार्थी रामअवतार द्वारा किये गये गंभीर दुराचरण के कारण ही उसे निलंबित किया गया था, यह गलत है कि प्रार्थी को बिना किसी विधिक आधार के अवैधानिक तरीके से निलंबन आदेश जारी किया हो। आगे अंकित किया है कि जांच में उसके बचाव प्रतिनिधि ललित शार्मा पूरी जांच कार्यवाही में पंखी की थी। व्यक्तिगत सुनवाई में बैंक की ओर से कोई अधिकारी उपस्थित नहीं होता इसलिए आरोपित कर्मचारी के अलावा उसके प्रतिनिधि की भी उपस्थित नहीं होती है। इसलिए बैंक ने ये तथ्य अपने पत्र में लिखे हैं। अंत में अप्रार्थी ने श्रमिक को बचाव का समुचित अवसर देना बताते हुए संविधान के उल्लंघन नहीं करना भी अंकित किया है।

इस स्टेज पर आज दि. 9-6-08 को उभयपक्ष में समझौता हो जाने के कारण उभयपक्ष ने एक प्रार्थना पत्र में समझौता प्रपत्र (आठ पृष्ठीय) पेश कर संयुक्त रूप से प्रार्थना की है कि समझौते के आधार पर “कोई विवाद शेष नहीं” अवार्ड पारित करने की प्रार्थना की है।

हमने उभयपक्ष को सुना, पत्रावली का गंभीरता-पूर्वक अवलोकन किया। उभयपक्ष में समझौता हो जाने के कारण अब किसी भी प्रकार का विवाद शेष नहीं है, उभयपक्ष इस प्रकरण को आगे चलाना नहीं चाहते हैं। उभयपक्ष में हुए समझौते को इस अवार्ड का पार्ट मानना न्यायालयित है। अतः उपरोक्त तथ्यों एवं परिस्थितियों में “कोई विवाद नहीं” अवार्ड पारित किये जाने योग्य है।

आदेश

फलतः प्रस्तुत विवाद का उत्तर इस प्रकार से दिया जाता है कि उभयपक्ष में समझौता हो जाने के कारण अब कोई विवाद शेष नहीं रह जाने से “कोई विवाद शेष नहीं” अवार्ड पारित किया जाता है। उभयपक्ष में हुए समझौते को इस अवार्ड का पार्ट समझा जावे।

आर. एस. मीणा, न्यायाधीश

नई दिल्ली, 21 जुलाई, 2008

का. आ. 2275.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक और राजस्थान लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकारण/श्रम न्यायालय, अजमेर के पंचाट (संदर्भ सं. 08/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-07-2008 को प्राप्त हुआ था।

[सं. एल-12012/50/2002-आईआर(बी 1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2275.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 08/2002) of Industrial Tribunal-cum-Labour Court, Ajmer, as shown in the Annexure, in the industrial dispute between the management of the Bank of Rajasthan Ltd., and their workmen, received by the Central Government on 14-07-2008.

[No. L-12012/50/2002-IR(B-1)]

SURENDRA SINGH, Desk Officer

अनुबन्ध

श्रम न्यायालय एवं औद्योगिक न्यायाधिकरण, अजमेर (राज.)

पीठसीन अधिकारी : श्री आर. एस. मीणा, आरएचजे-एस

प्रकरण संख्या-सीआईटीआर-08/02

[केन्द्र सरकार का रेफरेंस नं. एल-12012/50/2002-

आई आर (बी-1) 30-5-02]

श्री रामअवतार अग्रवाल, हैड कैशियन "सी" द्वारा श्री ललित शर्मा वाइस प्रेसिडेंट (राज.) स्टेट बैंक बैंकर्स आरगेनाइजेशन, एसबीबीजे सुराना (मार्केट ब्रांच पाली मारवाड़)

.....प्रार्थी

बनाम

1. दि चीफ मैनेजर, दि बैंक आफ राज. लि., स्टेशन ब्रांच, अजमेर
2. दि असिस्टेंट जनरल मैनेजर, दि बैंक ऑफ सज.लि. जोधपुर

.....अप्रार्थींगण

उपस्थितः श्री रामअवतार अग्रवाल, प्रार्थी स्वयं।
श्री सतीशचंद गुप्ता, सहायक प्रबंधक, अप्रार्थी पक्ष की ओर से।

दिनांक: 9-6-08

अवार्ड

केन्द्र सरकार द्वारा प्रेषित विवाद निम्नप्रकार है:-

"क्या कर्मकार श्री रामअवतार अग्रवाल, प्रधान रोकड़िया श्रेणी" सी (निलंबित) से उनके नियोजक सहायक (1) महाप्रबंधक, दि बैंक ऑफ राजस्थान लिमिटेड, जोधपुर (2) मुख्य प्रबंधक, दि बैंक ऑफ राज. लि. स्टेशन शाखा, अजमेर द्वारा निलंबन काल में दि. 8-6-2001 को शाखा परिसर में कार्य करवाकर निलंबन रद्द नहीं किया जाना उचित एवं वैध है? यदि नहीं, तो कर्मकार अपने नियोजक से क्या राहत पाने का अधिकारी है?"

नोटिस के उपरांत उभयपक्ष उपस्थित आये। प्रार्थी श्रमिक ने अपने क्लेम के विवरण में अंकित किया है कि उसके हक में दि. 8-6-2001 से पूर्ण बेतन एवं परिलाभ का अनुतोष दिलाया जावे, साथ ही अप्रार्थी द्वारा दि. 8-6-2001 प्रार्थी श्रमिक के निलंबन को रद्द नहीं करने के कृत्य को अनुचित, अवैध घोषित करते हुए इसी दिनांक से निलंबन आदेश रद्द करने का अवार्ड पारित करने की प्रार्थना की है, बाद खर्च अप्रार्थी नियोजक से दिलाने तथा अन्य अनुतोष जो उचित हो दिलाने की प्रार्थना की है, साथ ही क्लेम में परिवर्तन एवं परिवर्द्धन के अधिकार को सुरक्षित रखने का भी निवेदन किया है। क्योंकि अप्रार्थी नियोजक ने अपने निलंबन आदेश दि. 1-6-2001 से प्रार्थी श्रमिक को तुरंत प्रभाव से निलंबित कर दिया व बैंक परिसर में दाखिल होने से निषिद किया। दि. 8-6-2001 को दूरभाष से प्रार्थी श्रमिक को निर्देश दिये कि कैश आउटवर्ड रजि. में छ: लाख रु. की जो प्रविष्टि निलंबन से पूर्व होने से रह गयी वह दर्ज कर दें जिस पर प्रार्थी ने एतराज किया तब भी उप प्रबंधक ने अनुचित प्रभाव से प्रविष्टि रजिस्टर में मौखिक आदेश से प्रार्थी से करवा ली। आगे (अंत) में निवेदन किया है कि निलंबन काल की निरंतरता में अप्रार्थी नियोजक बैंक द्वारा प्रार्थी से बैंकिंग कार्य स्वयं के निर्देशन एवं नियंत्रण में करवाने से नियोजक बैंक का यह कृत्य पश्चात्वर्ती निलंबन काल स्वतः ही खंडित होकर समाप्त होना उल्लिखित किया है।

अप्रार्थी पक्ष ने प्रार्थी के क्लेम में उल्लिखित तथ्यों का खंडन करते हुए जवाब में अंकित किया है कि प्रार्थी श्रमिक द्वारा प्रस्तुत तथा कथित औद्योगिक विवाद व्यय सहित अस्वीकार किये जाने की आज्ञा न्यायालिक में प्रदान की जावे, व अन्य उचित आदेश जो अप्रार्थीगण के पक्ष में उचित हो, भी पारित करने की प्रार्थना की है क्योंकि प्रार्थी रामअवतार द्वारा और दुराचरण किया गया था। इसीलिए उसे दि. 1-6-2001 को निलंबित किया गया था। दि. 8-6-2001 और किसी भी दिन प्रार्थी से किसी प्रकार का कोई कार्य बैंक सेबा के लिये नहीं करवाया बल्कि प्रार्थी रामअवतार ने बाद की सोच के आधार पर गलत रचित किये थे। प्रार्थी पर अप्रार्थी नियोजक द्वारा किसी प्रकार का अनुचित दबाव नहीं बनाया गया था। आगे अंकित किया है कि प्रार्थी द्वारा दि. 8-6-2001 को छ: लाख रु. की एंट्री रेमिटेंस आउटवर्ड रजिस्टर में करने से प्रार्थी का निलंबन काल स्वतः खंडित एवं समाप्त नहीं होता। अंत में प्रार्थी रामअवतार द्वारा उक्त एंट्री नहीं करने को गैर जिम्मेदाराना और और दुराचरण होना अंकित किया है। और वास्तविक नियोजक के विरुद्ध यह औद्योगिक विवाद प्रस्तुत नहीं किया है और न ही सक्षम व्यक्ति द्वारा प्रस्तुत किया गया है।

अप्रार्थी के जवाब व प्रारंभिक आपत्तियों का प्रत्युत्तर प्रार्थी पक्ष ने देते हुए निवेदन किया है कि जवाब को असत्य एवं निराधार घोषित कर प्रार्थी द्वारा प्रस्तुत क्लेम में चाहा गया अनुतोष दिलवाया जाये क्योंकि अप्रार्थी नियोजक द्वारा जवाब व प्रारंभिक आपत्तियों में उल्लिखित कथन पूर्णतया निराधार व असत्य होने से निरस्त होने योग्य है। अन्य तथ्यों को भी क्लेम में उल्लिखित अनुसार ही दोहराते हुए जवाब व प्रारंभिक आपत्तियों के तथ्यों को गलत होना अंकित किया है।

इस स्टेज पर आज दि. 9-6-2008 को उभयपक्ष में समझौता हो जाने के कारण उभयपक्ष ने एक संयुक्त प्रार्थना पत्र में समझौता प्रपत्र (आठ पृष्ठीय) पेश कर संयुक्त रूप से प्रार्थना की है कि समझौते के आधार पर "कोई विवाद शेष नहीं" अवार्ड पारित करने की प्रार्थना की है।

हमने उभयपक्ष को सुना, पत्रावली का गंभीरतापूर्वक अवलोकन किया। उभयपक्ष में समझौता हो जाने के कारण अब किसी भी प्रकार का विवाद शेष नहीं है, उभयपक्ष इस प्रकरण को आगे चलाना नहीं चाहते हैं। उभयपक्ष में हुए समझौते को इस अवार्ड का पार्ट मानना न्यायोचित प्रतीत होता है। अतः उपरोक्त तथ्यों एवं परिस्थितियों में "कोई विवाद नहीं" अवार्ड पारित किया जाना न्यायोचित प्रतीत होता है।

आदेश

फलतः प्रस्तुत विवाद का उत्तर इस प्रकार से दिया जाता है कि उभयपक्ष में समझौता हो जाने के कारण अब कोई विवाद शेष नहीं रह जाने से "कोई विवाद शेष नहीं" अवार्ड पारित किया जाता है। उभयपक्ष में हुए समझौते को इस अवार्ड का पार्ट समझा जावे।

आर. एस. मीणा, न्यायाधीश

नई दिल्ली, 21 जुलाई, 2008

का.आ. 2276.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ तरबनकोर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम स्थायालय, इरनाकुलम के पंचाट (संदर्भ संख्या 191/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-07-08 को प्राप्त हुआ था।

[फा. सं. एल-12012/205/2002-आईआर(बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2276.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 191/2006) of Central Government Industrial Tribunal-Cum-Labour Court, Ernakulam as shown in the Annexure, in the industrial dispute between the management of State Bank of Travancore and their workmen, received by the Central Government on 14-07-2008.

[F. No. L-12012/205/2002-IR(B-1)]

SURENDRA SINGH, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNALCUM-LABOUR COURT, ERNAKULAM

PRESENT:

Shri. P.L. Norbert, B. A., LL.B., Presiding Officer
(Tuesday the 25th day of March 2008/5th Chaithra 1930)

I.D.191/2006

(I.D.28/2003 of Labour Court, Ernakulam)

Workman : K. S. Mayadevi,
R/o. Nava Sree,
34/1042 F, Chandrathi Road,
Edappally P.O., Kochi.
By Adv. Sri. C. Anil Kumar.

Management : The Deputy General Manager,
State Bank of Travancore,
Zonal Office, Ernakulam.
By Adv. Sri. Saji Varghese.

This case coming up for final hearing on 13-03-2008, this Tribunal-cum-Labour Court on 25-03-2008 passed the following.

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act, 1947. The reference is :

“Whether the action of the management of State Bank of Travancore in imposing the punishment of the dismissal of the services of Smt. K. S. Mayadevi,

Head Cashier, Edappally Branch is legal and justified? If not, what relief the concerned workman is entitled to?”

2. The facts of the case in brief are as follows :—Smt. K. S. Mayadevi was working as Head Cashier in Edappally branch of State Bank of Travancore on 23-10-2001. While so for the purpose of taking leave on the next day charge of Head Cashier was handed over by Smt. K. S. Mayadevi to cashier Smt. Betty. Before taking charge Smt. Betty verified the cash in the tray and found some shortage. Hence the currency in the exchange section and in the chest, were verified. A total shortage of Rs. 45,510 was ultimately found. The Deputy Manager (Accounts) was the Joint custodian of the cash in chest. Smt. K. S. Mayadevi was sole custodian of exchange section of currency. Both Deputy Manager (Accounts) and the worker were proceeded against for disciplinary action. An enquiry was conducted and the worker was initially dismissed from service and on appeal the punishment was converted into discharge with superannuation benefits by the appellate authority. The Deputy Manager (Accounts) was demoted and later she took V.R.S. The claimant has challenged the findings of Enquiry Officer and the punishment imposed by the Disciplinary Authority.

3. According to the claimant though shortage of cash was found, she suspects foul play by some one in the cash department. She remitted Rs. 35,260 as she was in charge of the cash section and as per the instructions of the bank. She is aggrieved by the discriminatory treatment in the matter of punishment. While Deputy Manager (Accounts) the Joint custodian of cash was given a lesser punishment of demotion, the claimant was dismissed from service. She has not caused any monetary loss to the bank. Shortage and excess in cash on verification is normal phenomenon in banking service. She has not done anything deliberately. The punishment imposed is disproportionate and excessive.

4. According to the management a full fledged domestic enquiry was conducted giving full opportunity to the claimant to participate in the enquiry and defend the charges. Based on materials collected by the Enquiry Officer the findings were recorded. It is after hearing the claimant that the Disciplinary Authority imposed the punishment. It is true that a lenient view was taken by the Appellant Authority in the matter of punishment by converting dismissal into discharge. The claimant did not maintain honesty and devotion in maintaining cash. Considering the seriousness of the misconduct the punishment is in no way excessive. The charges against the Deputy Manager (Accounts) is different from the charges against the claimant. The Deputy Manager (Accounts) exercises only supervisory power in the cash department whereas Head Cashier is in charge of maintenance of accuracy of cash kept in the currency chest and taken out daily for transactions. The Deputy Manager

admitted her lapses and she was demoted in service. The shortage had occurred in the soiled currency section and exchange section. The shortage was made good by the claimant after 5 days. She breached the trust reposed in her by the bank, by misappropriating the money of the bank.

5. In the light of the above contentions the following points arise for consideration :—

1. Are the findings sustainable ?

2. Is the punishment proper ?

The evidence consists of the oral testimony of MW1 and documentary evidence of Ext. M1 on the side of management and no evidence on the side of claimant.

6. Point No. 1 :— Charge No. 1 is that while the worker was the head cashier on 23-10-2000 a shortage in cash to the tune of Rs. 45,510 was detected. It amounted to misconduct of willful damage to the property of the bank within clause 19.5 (d) of Bipartite Settlement.

7. It is an admitted fact that while Smt. K. S. Mayadevi was working as Head Cashier in Edappally branch of State Bank of Travancore, on verification of the cash in the cash department, a shortage of Rs. 45,510 was detected. This happened on 23-10-2000 when the claimant wanted to hand over charge to cashier Smt. C. A. Betty for the purpose of availing leave on 24-10-2000. Smt. Betty while verifying loose cash in the tray happened to notice from the thickness of a section of 500 rupee notes some shortage. This was brought to the notice of the claimant who was then writing the accounts. The claimant then counted the section and replied that the bundle was in order and contained all the 100 pieces of 500 rupee currency. But Smt. Betty was still suspicious and hence she herself took the bundle and counted it with machine and by hand and found that it had contained only 77 pieces. She reported to the Deputy Manager (Accounts). Thereafter all the sections in the tray as well as in the cash chest were verified and counted by Smt. Betty as well as other cashiers. Thereafter officials from zonal office arrived and they too verified the cash and the verification itself got over only by 2 A.M. in the night.

8. PW3 is Smt. Betty. She stated so before the Enquiry Officer. This can be seen from Ext. M1 enquiry file, pages 114 to 117. It is relevant to note the statement of PW3 about the behaviour of the claimant when she told her about the shortage. According to PW3 she happened to notice shortage of currency in exchange section of 500 rupee notes quite accidentally, seeing the smaller size of the bundle. But when the claimant was told about it, she very casually counted a bundle and said there is no shortage. At that time Smt. Betty was counting the loose cash in the tray. There were 7 exchange sections in the tray other than the loose cash. The claimant in a hurry took the tray to the table of Deputy Manager (Accounts) even while Smt. Betty was still counting the loose cash. Claimant also wanted to leave the bank immediately saying that autorickshaw was waiting to take her home.

9. PW2 is Deputy Manager (Accounts). She says that Smt. Betty was asked to take charge of Head Cashier on the evening of 23-10-2000. For the purpose of taking charge when cash was verified the shortage was detected in a section of 500 rupee notes. When the claimant was asked to verify the section which was suspected to contain less number of currency she made a farce of counting and said that there was no shortage. However Smt. Betty took the bundle and counted it again and the shortage was confirmed. Thereafter the other sections of currency were also counted and they too were not in order. The Branch Manager was informed.

10. PW1 is the Branch Manager. He says that when he was informed about the discrepancy in the cash department he asked the Deputy Manager (accounts) and Cashiers to verify the currency. They confirmed the shortage. The matter was reported to the Assistant General Manager. Ext. PEX-4 in Ext. M1 is the report of PW1 to Assistant General Manager.

11. Ext. PEX-3 is observation sheet of cash shortage prepared after verifying the cash. As per Ext. PEX-3 the shortage in the chest was Rs. 20,500 of which Deputy Manager (Accounts) and Head Cashier were Joint custodians. Hence both of them equally shared the amount and remitted the amount in bank. However the claimant was the sole custodian of exchange section of currency and the shortage in that section was Rs. 25,010. This amount together with the amount found short in the chest i.e., Rs. 10,250 (half of the amount being a joint custodian) was remitted by her. Ext. PEX-6 is the letter of the claimant admitting shortage and agreeing to remit the amount. Ext. PEX-10 are the vouchers of cash remitted by the claimant and Deputy Manager (Accounts). Ext. PEX-11 is the letter of Branch Manager to the Zonal office reporting the remittance of money by Head Cashier and Deputy Manager (Accounts). Thus the shortage of cash to the tune of Rs. 45,510 is not disputed by the claimant. But her case in reply to the charges as well as in the claim statement is that she was under tremendous stress and strain due to work load and she was not able to attend to routine duties.

12. It has come out in evidence that on 29-09-2000 the Reserve Bank of India had brought new currency to the tune of Rs. 17,62,50,000 and the currency already in the branch was Rs. 37 crores as on 28-09-2000. Therefore there was lack of space in the chest to keep the currency. This is admitted by PWs. 1, 2 and 3. The cabins in the currency chest were full and overflowing. The excess currency were therefore kept over the cabins and on the floor. The branch was requested to verify the fresh notes remitted by Reserve Bank and to relieve the representatives of Reserve bank as expeditiously as possible. This is seen from Ext. PEX-1 and 2. Therefore according to the claimant she was not able to give full attention to the stitching and bundling of regular soiled currency. She had to give preference to the counting

of fresh notes brought by officials 'of Reserve Bank and the process of verification went up to late in the night on many days. Added to that the counting machine was not working properly. Out of the 4 cashiers 2 were on long leave. This explanation of the claimant was not convincing either to the Enquiry Officer or the Disciplinary Authority as heavy workload is no excuse for shortage of money beyond a normal limit. It is true as admitted by the management witnesses that small amounts of shortage and excess may occur and recur. But the shortage in dispute is not one of such category. Besides it is submitted by the management that rather the quantum of shortage, it is the manner in which it had happened is more important. It is contended by the management that the shortage occurred not due to the negligence of the claimant but due to her deliberate act. It is important to note the statement of the claimant before the Enquiry Officer. She stated that when Betty told about the shortage of currency in a section of 500 rupee notes she was busy in her work and she just took a bundle that was on one end of the tray and counted it. But there was no shortage. However Betty had not entrusted the particular bundle she suspected nor was that bundle kept separately so that she could identify the bundle. Therefore she took a bundle thinking that it was the suspected bundle and counted it. This is too silly an explanation from a responsible Head Cashier. She was the head cashier and she was working for more than 20 years in the bank. She could easily make out which bundle was smaller in size at a glance. Inspite of the fact that the attention of the claimant was drawn by Smt. Betty to the shortage she was so casual to take a bundle that was handy and counted it as if to convince Smt. Betty that there is nothing wrong with the bundle. The Deputy Manager too has supported this version of Smt. Betty. The claimant was just trying to make it appear that she was counting the currency without actually doing it. This is not a normal behaviour of a person who is the custodian of cash. On the other hand such a person would be restless until the reason for shortage is found out. She did not show any such anxiety as is seen from the evidence on record. Even now her contention is that shortage is normal and routine in banking business and the custodian of the cash has to make good the shortage owning responsibility. It is to be noted that if Smt. Betty had not verified the cash, the shortage would not have come to surface.

13. The worker has a contention that the other cashiers in the cash department had access to cash chest and therefore she cannot be mulcted with the responsibility of shortage and she suspects that one of the cashiers must be the culprit. But she does not name anyone or even suggested anyone's name when management witnesses were examined. The worker has not examined anyone on her side to put forward this contention. There is not even an iota of evidence to suggest that anybody else in the cash department has any role in the incident. Without the

knowledge of the Head Cashier who is the custodian of cash misappropriation is not normally possible. She is the best person to say who is under the shadow of doubt. The allegation remains only in the realm of contention.

14. It was argued by the learned counsel for the claimant that there is no allegation of misappropriation of money in order to charge her with the misconduct. It is also submitted that no loss is caused to the bank as she has remitted the money. It is important to note that among the gross misconduct enumerated in Para 19.5 of first Bipartite Settlement the word 'misappropriation' does not figure anywhere. Hence the bank has alleged misconduct of willful damage or attempt to cause damage to the property of the bank or any of its customers under Para 19.5(d) of the settlement. Therefore it is not necessary either to allege or prove misappropriation. Even attempt to cause damage to the property of the bank attracts Para 19.5(d) of the Settlement. When shortage is caused deliberately by a staff of the bank it amounts to damage to the property of the bank. Subsequent remittance of the amount either owning responsibility as custodian or without prejudice to one's contention that he is innocent, will not absolve him of the misconduct as damage is already done to the property of the bank. The misconduct alleged is one of serious nature. The shortage occurred not due to the negligence of the claimant, but due to her deliberate act. According to the claimant, while Deputy Manager and herself were the joint custodian of cash, the former was shown leniency in the matter of punishment by demoting her while the claimant was dismissed from service. There is no justification for the differential treatment meted out to the claimant. But it is to be noted that the Deputy Manager had admitted her guilt owning responsibility as joint custodian. There was also no evidence to show that anything was done by her deliberately. She was negligent in discharging her duty. She failed to verify cash before signing the account books. In the said circumstances a lenient view was taken against her by the Disciplinary Authority. But the misconduct of claimant cannot be compared with that of Dy. Manager (Accounts).

15. It is also pointed out by the claimant's counsel that even during Smt. Betty's period as cashier there was shortage of cash and she was held responsible. But that was only a small amount. In the circumstances it was found by the management that Smt. Betty was only negligent in her duty and hence no serious punishment awarded to her. Her case cannot be compared with the case of the claimant.

16. The evidence and circumstances amply prove charge No. 1 and no deviation from the finding of Enquiry Officer is called for.

17. Charge No.2 is that "owning responsibility individually the claimant had remitted a sum of Rs. 25,010 on 28-10-2000 and ownin responsibility as Joint custodian she had remitted another sum of Rs. 10,250/- on 28-10-2000.

This charge is connected to charge No. 1. It tends to show that the claimant is owning responsibility for the shortage. There was no promise from the part of management to spare her from disciplinary action if she would remit the money. Therefore the claimant was not bound to make good the loss if she really and genuinely felt that there was no fault on her part. She should have left the matter to the management to find out the culprit. Therefore the gesture on the part of the claimant in remitting the amount adds strength to the case of the management that she is guilty. The charge is found proved and no interference in the finding is required.

18. Charge No.3 is that there was discrepancy in the cash held in the currency chest. The shortage found on verification was only Rs. 20/- Ext: PEX-3 is the observation sheet of cash shortage. PW3 Smt. Betty has given evidence that it is not unusual that in the cash department there may be normal shortage or excess when cash is verified. The net shortage was only Rs.20/- Besides certain entries of cash balance in Ext.PEX-3 were recorded by the predecessor of the claimant. Hence it was found that the charge was partly proved. It does not require any modification.

19. Charge No.4 is that the claimant had failed to maintain accuracy and safe custody of cash and thereby caused loss to the bank. This charge also must go with charge No.1 because mere detecting of shortage alone is not a misconduct unless the responsibility and duty of the Head Cashier to maintain accuracy of the cash and safe custody of the cash is proved. The enquiry Officer has found the charge as partly proved. No deviation from the said finding is called for.

20. 5th charge is that the claimant had issued a cheque for Rs. 10,000/- on 12-10-2000 to her own brother Sri. Syam Sunder without keeping sufficient balance in claimant's account. Ext. PEX-2 is copy of ledger extract of claimant's account in the Edappally Branch. Ext.PEX 12 is copy of cheque dated 12-10-2000 issued to Syam Sunder. As per ledger extract there was no sufficient balance on the date when cheque was issued. PW1 (page 103 of Ext.M1) has stated that the cheque was debited to the account prior to the remittance of sufficient money in the account. The holder of the cheque had discounted the cheque at Thrikkakara branch of the same bank on 12-10-2000 itself. But the claimant remitted sufficient amount in her account only on 16-10-2000 and on that day payment was effected. The explanation to the memo of charges contains just one sentence regarding cheque transaction and it is that allegation in the charge is not true and nothing more. When the claimant was questioned by the Enquiry Officer she stated that her brother had discounted the cheque at Thrikkakara branch. However the cheque reached Edappally branch only in the evening of 15-10-2000 after the banking hours. Hence sufficient amount could be remitted in the account only on 16-10-2000.

It is relevant to note that when the cheque was issued there was no sufficient balance in her account and the cheque was discounted by the holder of the cheque on the same date of the cheque. Subsequent remittance will not exonerate the worker as the misconduct was already committed. The Enquiry Officer has rightly found her guilty of charge No. 5.

21. It was then contended by the learned counsel for the claimant that there was a criminal case, regarding the incident which ended in acquittal (Cr1. Appeal No. 355 of 2005 of Additional Sessions Court Adhoc-II, Ernakulam). Hence no departmental action would lie. However the learned counsel for the management relying on the decision in T.N.C.S. Corporation Ltd. V. K. Meerabhai (2006) 2 SCC 255 contended that acquittal in a criminal case is not a reason to drop departmental proceedings by the employer. It is held by the Hon'ble Supreme Court that the scope of disciplinary proceedings and the scope of criminal proceedings are quite distinct, exclusive and independent of each other. The standards of proof in both proceedings are also different. It is relevant to note that in the present case the misconduct alleged is causing willful damage to the property of the bank and failing to maintain accuracy and safe custody of the cash of which she was in charge. Whereas in the criminal case the offence is criminal breach of trust falling within S. 405 IPC punishable 'under Section 408 IPC. The ingredients of S.405 IPC are to be proved to convict a person of the offence under Section 405 I.P.C. But the matter to be proved in a departmental enquiry is willful damage to the property of the bank falling within para 19.5(d) of the settlement. Hence the fact that claimant was acquitted in a criminal case in no reason to drop the departmental proceedings.

In the light of the above circumstances and evidence I hold that the findings of Enquiry Officer are in order and they call for no interference by this court. Point is answered accordingly.

22. Point No.2:— The claimant has challenged the quantum of punishment as well. The punishment ordered by the Disciplinary Authority is dismissal. But on appeal it was converted to discharge with superannuation benefits. The learned counsel for the claimant submits that the worker has an unblemished service record of 20 years in the bank. She has 13 years more for superannuation. She had no motive in removing money from the bank. She has not misappropriated the money. On the other hand by owning moral responsibility as custodian of the cash, she had remitted the amount to make good the shortage. The heavy workload and the inadequacy of space in the chest to keep large sums of money (over 50 crores) as well as time bound accounting and verification of currency brought by officials of Reserve Bank of India occasioned the incident. Hence she contends that a lenient view should have been taken in the matter of punishment. However the learned counsel for the management submits in the light of the rulings relied on by him that a bank employee is expected

to keep absolute devotion, diligence and honesty in banking business. He is bound to maintain the trust of the people in the bank. When that trust is breached the reputation of the bank is affected. In State Bank of India V. Ramesh Dinkar Punde (2006) 7 SCC 212 it is held that the respondent as a bank officer holds a position of trust where honesty and integrity are inbuilt requirements of functioning and it would not be proper to deal with banking transactions casually. Therefore when a bank officer commits misconduct and against the interest of the bank and the depositors, he must be dealt with iron hands and not leniently (para 21). In Union Bank of India V. Vishwa Mohan (1998) 4 SCC 310 the same observation is made. In Regional Manager, Rajasthan RTC V. Sohanlal (2004) 8 SCC 218 it is held that the misconduct of bus conductor in not issuing tickets to passengers not only led to monetary loss to the transport corporation but also loss of confidence of corporation in the employee. In such circumstances it is not for the court to show sympathy in the matter of punishment (para-10). In Lalit Popli V. Canara Bank 2003-II-L.L.J. 324 (Para 20) it is observed that the delinquent employee of the bank (a clerk) while admitting some lapse on his part, though had pleaded lack of criminal intent no leniency could be shown in the matter of punishment, because as a bank employee he deals with public money and the nature of his work demands vigilance with the inbuilt requirement to act carefully. Any carelessness invites action.

In Chairman & Managing Director, United Commercial Bank V. P. C. Kakkar, (2003) 4 SCC 364 it is observed in paras 11 & 12 as follows :

“11. The common thread running through in all these decisions is that the court should not interfere with the administrator's decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the court, in the sense that it was in defiance of logic or moral standards. In view of what has been stated in Wednesbury case the court would not go into the correctness of the choice made by the administrator open to him and the court should not substitute its decision to that of the administrator. The scope of judicial review is limited to the deficiency in decision-making process and not the decision.

12. To put it differently, unless the punishment imposed by the disciplinary authority or the Appellate Authority shocks the conscience of the court/tribunal, there is no scope for interference. Further, to shorten litigation it may, in exceptional and rare cases, impose appropriate punishment by recording cogent reasons in support thereof. In the normal course if the punishment imposed is shockingly disproportionate it would be appropriate to direct

the disciplinary authority or the appellate authority to reconsider the penalty imposed”.

23. Bearing the principles laid down in the aforementioned decisions, I would look into the quantum of punishment in question. The punishment is discharge with superannuation benefits. The misconduct proved is misappropriation of money (shortage of cash by deliberate act). For gross misconduct punishments are provided in para 19.6 of the Settlement. The punishment of discharge with superannuation benefits is a lesser punishment than dismissal and the appellate authority has shown leniency to that extent. Considering the seriousness of the misconduct and the manner in which it had happened I don't think that the punishment is in any manner disproportionate or harsh. This court is not justified in modifying the order of Disciplinary Authority or the Appellate authority regarding punishment.

In the result an award is passed finding that the action of the management in imposing the punishment of discharge with super annuation benefits on Smt.K.S.Mayadevi, Head Cashier is legal and justified and she is not entitled for any relief. No cost.

The award will take effect one month after its publication in the official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 5th day March, 2008.

P. L. NORBERT, Presiding Officer

APPENDIX

Witness for the management

MWI—27-02-2007—Sri. Lawrence George.

Exhibit for the Management

MI—Enquiry File.

नई दिल्ली, 21 जुलाई, 2008

का.आ. 2277.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसंधान में, केन्द्रीय सरकार स्टेट बैंक ऑफ इण्डिया के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नई दिल्ली-2 के पंचाट (संदर्भ संख्या 189/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-07-08 को प्राप्त हुआ था।

[फा. सं. एल-12012/155/1999-आईआर(बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2277.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. No. 189/1999) of Central Government Industrial Tribunal-Cum-Labour Court-II New Delhi, as shown in the Annexure, in the industrial dispute between the management of State Bank of India, and their workmen, received by the Central Government on 14-07-2008.

[F. No. L-12012/15/1999-IR(B-I)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT-II, NEW DELHI

Presiding Officer: R. N. Rai I.D. No. 189/1999

In the matter of:

Sh: K. D. Kuchekar,
State Bank of India,
Delhi Zonal Office Dispensary,
Zonal Office: 11, Parliament Street,
New Delhi-110 001.

—Claimant

Versus

The Chief General Manager,
SBI,
Local Head Office: 11, Parliament Street,
New Delhi-110 001.

The Dy. General Manager,
SBI,
Zonal Office: 11, Parliament Street,
New Delhi-110 001.

—Respondents

AWARD

The Ministry of Labour by its letter No. L-12012/155/99IR(B-I) Central Government Dt. 06-09-1999 has referred the following point for adjudication :

The point runs as hereunder :—

“Whether the action of the Chief General Manager, State Bank of India, Local head Office, 11, Parliament Street, New Delhi and the Dy. General Manager, SBI, Delhi Zonal Office, 11, Parliament Street, New Delhi in not promoting/regularizing Sh. K.D. Kuchekar, Messanger, SBI, Delhi Zonal Office Dispensary, 11, Parliament Street, New Delhi to the post of Daftri is justified and proper ? If not, to what relief the workman is entitled to.”

The case of the workman is that he was appointed as Messenger on 08-01-1973 in the bank service. He was transferred to various places. The workman junior to him have been promoted to the post of Daftri but the case of this workman was not considered by the management. The management made discrimination in promoting junior Daftri and retaining him as Messanger.

The case of the management is that the bank has laid down certain eligibility criteria in which it has been specifically laid down that if an employee who has been converted to messenger if not 8th pass he will not be eligible for incadre/out of cadre higher officiating/permanent chance. The workman admittedly is not 8th class pass, so his case was not considered for promotion to the post of Daftri as per rule, he cannot be promoted against rules in public employment.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that many juniors have been promoted. The names of the junior have been mentioned in claim also.. The management has illegally promoted him only as Hd. Messanger. He has not been promoted to the post of Daftri.

It was submitted from the side management that eligibility criteria for promotion to the post of Daftri is 8th class pass. The workman is 5th pass so he was not promoted to the post of Daftri in view of the rule. The workman has admitted in his cross-examination that the qualification of Daftri is 8th class pass. He has also stated in his cross-examination that he has studied up to 5th class. He has also admitted that he was working as messenger from the very beginning.

According to the admission of the workman in his cross-examination the eligibility criteria for promotion to the post of Daftri is 8th class pass. The workman has admitted that he 8th class pass but he is simply 5th class pass. As such the workman has admitted in his cross-examination, the case of the management. The workman has not cited any case of any workman who has been promoted to the post of Daftri being 5th class pass. The management witness has stated in his cross-examination that the requisite qualification for promotion to the post of Daftri is Class 8th pass. It has not been suggested by him that any messenger who is 5th pass has been promoted to the post of Daftri. The workman has admitted that he is 5th pass and eligibility qualification for promotion to the post of Daftri is 8th class pass, so the management has rightly not promoted him to the post of Daftri in view of his disqualification for the said post.

The reference is replied thus :—

The action of the Chief General Manager, State Bank of India, Local Head Office, 11, Parliament Street, New Delhi and the Dy. General Manager, SBI, Delhi Zonal Office, 11, Parliament Street, New Delhi in not promoting/regularizing

Sh. K. D. Kuchekar, Messenger, SBI, Delhi Zonal Office Dispensary, II, Parliament Street, New Delhi to the post of Daftri is justified and proper. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date : 30-06-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 21 जुलाई, 2008

का.आ. 2278.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ हैदराबाद के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-2, नई दिल्ली के पंचाट (संदर्भ संख्या 154/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-07-08 को प्राप्त हुआ था।

[फा. सं. एल-12012/99/2004-आईआर(बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2278.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 154/2004) of Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi, as shown in the Annexure, in the industrial dispute between the management of State Bank of Hyderabad, and their workmen, received by the Central Government on 14-07-2008.

[F. No. L-12012/99/2004-IR(B-1)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR-COURT-II, NEW DELHI

Presiding Officer: R. N. Rai

I.D. No. 154/2004

In the matter of:—

Shri Sanjib Kumar Mandal,
D-3/4, Paschimi Marg,
Vasant Vihar,
New Delhi-110057.

Versus

The Manager,
State Bank of Hyderabad,
Kailash Colony Branch,
New Delhi-110048.

AWARD

The Ministry of Labour by its letter No. L-12012/99/2004-IR(B-1) Central Government dated 17-08-1999 has referred the following point for adjudication :

The point runs as hereunder :—

“Whether the action of the management of State Bank of Hyderabad in terminating the services of Sh. Sanjib Mandal, Part-Time Labour/Peon from April 2003 is legal and justified? If not, to what relief he is entitled to and from which date?”

The workman applicant has filed claim statement. In the claim statement it has been stated that the workman Shri Sanjib Kumar Mandal has been working at Kailash Colony Branch of the respondent/management since 17th January, 1998 where he was appointed as his name was sponsored by the employment exchange. Copy of the interview call letter, employment exchange registration and the appointment letter are annexed.

That the wages of the workman were revised to Rs. 740 per month from the date of his initial appointment and arrears of the same were paid to him. Copy of the letter of the Assistant General Manager, State Bank of Hyderabad, dated 26th May, 2000 and the statement and vouchers of arrears paid are annexed.

That the workman was initially appointed on part time consolidated wages of Rs. 480 per month which were subsequently revised to Rs. 740 per month as per the terms of the Bi-partite settlement.

That the workman have been working as a peon against a sanctioned post and had continuously worked with the management till the illegal and malafide termination of his services on 7th April, 2002 when his services were terminated orally by the Branch Manager.

That the workman was in continued service ever since the date of his employment and other workmen who have been appointed alongwith the workman herein have been retained in service whereas the services of the workman have been terminated without compliance with the provisions of Section 25-G and H of Industrial Disputes Act, 1947.

That during his service the workman vide letter dated 1st May, 1999 had applied to the Assistant General Manager, State Bank of Hyderabad, through the Branch Manager Kailash Colony Branch, New Delhi for grant of 1/3rd scale wages which representation was duly forwarded by the Branch Manager.

That this representation for grant of 1/3rd scale wages was again forwarded by the Branch Manager to the Assistant General Manager, Regional Office, Region-II, Karol Bagh, New Delhi vide letter dated 31st October, 2001 with the necessary particulars.

That in the month of April, 2002 the bank had advertised for the recruitment of peons on scale wages. That the workman was eligible in terms of the said advertisement and he had also applied for the same but his application was unjustly not considered. The Chief

Manager had also recommended the case of the workman, vide letter dated 21st January, 2003.

That the termination of services of the workman is bad in law as the same has been done merely for the reason that some of the similarly situated employees as that of the workman have approached courts for regularization of their services. This cannot be a valid ground for termination of services of the workman. The workman was also making representations from time to time for considering his case of appointment in 1/3rd scale. His representations were forwarded by his superiors to the higher authorities with strong recommendations for the appointment on 1/3rd scale. That instead of considering his case for appointment on 1/3rd scale his services were arbitrarily terminated. The appointment of the workman in management's service was valid and he was entitled to be considered for regular appointment in the post of peon.

That the termination of services of the workman was bad in law as several persons who were employed alongwith him have not only been retained in services but have also brought to 1/3rd scale base whereas the services of the workman have been terminated without any justification. As a matter of illustrations, one Pradeep working at K.G. Marg Branch, 19, Surya Kiran Building and another Sunita Kumari working at Antriksha Bhawan Service Branch, K.G. Marg, II floor were employed by bank on the same day when the workman was employed but these two persons have not only been retained in services but have also been brought on 1/3rd scale base. Apart from these, there are several other employees who are junior to the workman in services and have been retained in the services.

The Management has filed written statement. In the written statement it has been stated that in this case, it is humbly submitted that when the matter in question was pending before the Hon'ble Assistant Labour Commissioner (Central) Labour Office, K.G. Marg, New Delhi vide order No. L-1202/99/2004-4R (B-I) dated 17-8-2004 the Respondent Bank submitted its detailed Written Statement alongwith annexures and it is requested that the contents of Written Statement along with all annexures may kindly be perused before passing any appropriate order in this case. And it is clear in this case that the claim of the claimant is neither maintainable on the basis of facts nor as well as law.

That the claim of the claimant is neither maintainable on the basis of facts nor as well as law. The claimant is not a workman as alleged by him. No cause of action ever arose in favour of the claimant and against the Respondent Bank at any point of time since the claimant was never appointed by the Respondent Bank.

That the petition of the claimant deserves to be dismissed as there is material change and all the new facts

have been mentioned in the present petition in comparison to Claim petition filed before Hon'ble Assistant Labour Commissioner (Central) Labour Office, K.G. Marg, New Delhi. That claimant should not be permitted to incorporate new facts as well as totally changed claim before this Hon'ble Court without seeking permission in accordance with law.

That the respondent humbly submits the legal authorities, which clarifies that the claim of claimant is not tenable and deserves to be dismissed.

It is submitted that the petitioner was not appointed in any permanent vacancy and/or any appointment letter was issued. The petitioner never worked continuously even as casual labour/daily wager. If there is any additional work or if regular staff goes on leave and depending upon contingency, sometimes the petitioner was engaged as a casual labour. Therefore, this does not give any legal right for regularization in service. Daily rated workers/Contingent workers are not holder of any post. In absence of any post or vacancy or a statutory provision or a rule, the Petitioner cannot be entitled for regularization. Even assuming engaging a person as a casual labour does not attribute to any legal status as per apex court judgement AIR 1994 SC 1635. The Branch Manager has not power to appoint anybody in the service of the Bank. So they are engaged by the Branch, and they cannot be regularized as it is illegal in terms of SC Judgement 2005 LAB IC pages 1425. Further it is submitted the question of termination or applicability of section 25(f) of the ID Act does not arise as the Petitioner is not in service or workman within the meaning of ID Act.

The claimant was engaged as casual labour on cash basis for attending petty jobs. It is wrong to suggest that the Claimant was full time employee as alleged.

It is wrong to suggest that the Claimant worked against a sanctioned post as alleged. It is wrong to suggest that there was any illegal and malafide termination as alleged. It has already submitted that the Claimant was engaged as casual labour on cash basis for attending petty jobs. There were no requirement for any notice or chargesheet as alleged.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

The management was not present on several dates despite service of notice. The workman was heard.

It was submitted from the side of the workman that he was engaged as part time sweeper w.e.f. 17-1-1998

after interview and sponsoring of his name by employment exchange.

It was further submitted that his wages was revised to Rs. 740 and arrears have been paid. He was appointed at part time on consolidated wages of Rs. 480. It was increased to Rs. 740. His working hours was 13 hrs to 8 hrs. His services were illegally terminated on 7-4-2002 by oral order of the management. Juniors to him have been retained and his services have been terminated in violation of Section 25 F, G & H of the ID Act, 1947.

It was submitted from the side of the management that the reference is not maintainable on the basis of facts as well as law. The claimant is not a workman. He was not appointed against any permanent vacancy.

The workman has filed Annexure - D on the letter head of the management signed by the AGM. The AGM has written to the Branch Manager for payment of arrears and has revised the wages w.e.f. 17-01-1998 to Rs. 740. This document has not been denied. Annexure - E is the particulars of payment. The workman has been paid @Rs. 740 per month. Annexure E - 1 is also letter on the letter head of the management. The Branch Manager has forwarded the name of this workman for 1/3rd wages. Annexure W/3 contains the particulars of employees. 5 part time employees have been shown as part time employees on scaled wages. The name of this workman has been mentioned. By Annexure P/3/3, Branch Manager has recommended the name of the workman for 1/3rd wages.

These documents are photocopy documents but these are on the letter head of the management and these letters have not been denied by the management.

The management witness has stated that he cannot recognize the letters as they are not originals. The letters are recommendations of the Branch Manager for 1/3rd wages of the workman. The workman can have only photocopy of such letters.

It has not been denied by the management that juniors to the workman have not been retained. This workman has worked as part time Peon/Labour from January, 1998 to April, 2003. This workman has worked for 6 years. At the time of termination of the services no retrenchment compensation and pay in lieu of notice has been given to the workman. The workman has served for long 6 years. Juniors to him have been retained in service and the management has terminated his services in violation of section 25 F, G & H of the ID Act, 1947.

It was submitted from the side of the bank that reinstatement is not the only relief in all the cases of illegal termination. Section 11 A of the ID Act, 1947 provides for payment of compensation also.

It was submitted from the side of the workmen that compensation is payable in cases where an undertaking has become sick or it has been closed or it is in economic loss. It has not been established that the bank is in economic loss and it is a sick industry.

My attention was drawn by the Ld. Counsel of the workman to 2000 LLR 523 State of UP and Rajender Singh. The Hon'ble Apex Court ordered for reinstatement with full back wages as the services of the daily wager cleaner who worked for 4 years was dispensed with without following the procedure for retrenchment. In the instant case also no retrenchment compensation has been paid. This case law squarely covers the instant case.

It has been held in 1978 Lab IC 1668 that in case service of a workman is terminated illegally the normal rule is to reinstate him with full back wages.

My attention was further drawn to AIR 2002 SC 1313. The Hon'ble Supreme Court has held that daily wager even if serving for a short period should be reinstated.

It was submitted from the side of the workman that in the instant case sections 25 F, G of the ID Act are attracted. In section 25 of the ID Act it has been provided that if a workman has performed 240 days work and if the work is of continuous and regular nature he should be given pay in lieu of notice and retrenchment compensation.

It has been held by the Hon'ble Apex Court that there is no cessation of service in case provisions of section 25 F are not complied. In the instant case no compensation has been paid to the workman.

In case a workman has worked for 240 days in a year and the work is of continuous and regular nature he should be paid retrenchment compensation. In case retrenchment compensation is not paid section 25 F of the ID Act is attracted. There is no cessation of his services. He is deemed continued in service in the eye of law. In case there is breach of section 25 F the service is continued and reinstatement follows as a natural consequence.

The ID Act, 1947 has been enacted to safeguard the interest of the workmen belonging to poor segment of society. It appears that legislature wanted that such workmen should not be harassed unnecessarily so section 25 F, U, T and Clause 10 of Vth Schedule have been enacted. The objects and reasons of ID Act, 1947 show that the respondent management should not be permitted to indulge in any unfair labour practice. The workmen should not be engaged for years and then they should be removed all of a sudden. There is provision of retrenchment compensation for his removal. Retrenchment compensation is for compensating him otherwise so that he can survive long interregnum of unemployment. In the instant case no retrenchment compensation has been paid.

It was submitted from the side of the management that the Hon'ble Apex Court in 2006 (4) Scale has put down a complete ban on regularization and reinstatement. The Hon'ble Apex Court has held that employment can only be made on the basis of procedure established in that behalf envisaged by the Constitution. Equality of opportunity is the hallmark and the Constitution enshrines affirmative action to ensure that unequals are not treated equals. So public employment should be in terms of constitutional scheme.

It was further submitted that the Constitution Bench Judgment has afforded a right according to which the government is not precluded from making temporary appointments or engaging workers on daily wages.

The Hon'ble Apex Court has not declared the provisions of the ID Act un-constitutional. The Government has got no license to make always appointment of daily wagers and to continue them for life time. Fixed term tenure appointments and temporary appointments cannot be the rule of public employment. At the time of making temporary appointments Articles 14, 16, 21, 23, 226 & 309 are infringed. There is no constitutional mandate that the government is at liberty to go on giving fixed term appointments for the entire tenure of service of an employee.

No such Article of the Constitution has been pointed out under which the Government or Public Sector units can continue incessantly to give temporary and fixed term appointments again and again. Since fixed term appointments and temporary appointments are not governed by any constitutional scheme, such discrimination will amount to vicious discretion. The Government of Public Sector unit will go on resorting to the method of pick an choose policy and give temporary and adhoc appointments to their favorites and thus the principles of equality enshrined in the constitution will be given a go bye. Such is not the intent of the Hon'ble Apex Court. However, in this judgment the provisions of the ID Act governing the services of the workman have not been declared un-constitutional. Reinstatement is the remedy provided in the ID Act for breach of several provisions enumerated therein or for breach of service rules provided in various labour welfare legislations.

A three Judges bench of the Hon'ble Apex Court has held in 1993 - II - LIJ that termination of services affects the livelihood of not only of the employee but also of the dependents. So in case of illegal termination of service the workman should be reinstated.

Reinstatement should not be misconceived as regularization. By the order of reinstatement the status quo ante of the workman is restored. He is given back wages in order to compensate him for his illegal dis-

engagement. This is a special remedy provided in the ID Act and it has not been annulled and set aside by any judgment of the Hon'ble Apex Court. The provision of the ID Act are still constitutional and they are to be given effect too.

It was submitted from the side of the management that in (2007) 9 SCC 353 the Hon'ble Apex Court has held that reinstatement with full back wages should not be granted automatically only because it would be lawful to do so. Several factors should be considered just as statutory rules and delay in raising the dispute.

In the instant case there is no delay. In bank casual labourers are engaged and regular status has been conferred several times. In case work is still exists, the workman should be given reinstatement. The respondents cannot retrench this workman and engage fresh hands. In that case they will commit unfair labour practice as has been held by the Hon'ble Apex Court in (1995) Supp. II SCR 842. It is not proved by the management that no workman has been taken after retrenchment of this workman.

It has been held in 2008 Lab IC page 783 by the Hon'ble Apex Court that reinstatement does not mean confirmation.

Direction given for his reinstatement being final such order would not necessarily entitle him to claim benefits of permanency.

In view of the judgement of the Hon'ble Apex Court reinstatement does not imply confirmation/ absorption or making permanent. The management cannot dis-engage a workman and take another workman at his place as it would infringe the provisions of Section 25 G & H of the ID Act, 1947.

In the instant case of terminating the services of the concerned workmen, fresh casual labourers have been engaged. The respondent cannot retrench the concerned workmen and engage fresh hands.

In case the workman is reinstated with back wages the respondents have every right, after payment of back wages and reinstatement, to retrench him validly following the principles of first come last go so that section 25, G & H of the ID Act are not violated.

The management has admitted that after termination of the services of these workmen 11 casual labourers were taken on muster roll on 23-7-1995. These workmen had worked for 6-10 years. The management cannot arbitrarily infringe the provisions of section 25 H of the ID Act, 1947. The management has illegally removed these workmen and violated the provisions of section 25 F, G & H of the ID Act, 1947. The work still exists, so the workmen are entitled to reinstatement.

It was submitted by the management that payment of full back wages is not the natural consequence of the order of discharge or dismissal being set aside. It has been held in (2003) 6 SCC 141 that it is incumbent upon the labour court to decide the quantum of back wages.

It has been further held in this case that payment of back wages having discretionary element involved it is to be dealt with the facts and circumstances of the case. No definite formula can be evolved.

It has been further held in this case that payment of back wages in its entirety is the statutory sanction. In (2003) 4 SCC 27 the Hon'ble Apex Court held that in view of delay in raising the dispute and initiating the proceedings back wages need not be allowed. In the instant case there is no delay at least on the part of the workman in raising the dispute.

In 2005 IV AD SC 39 - three Judges Bench of the Hon'ble Apex Court held that reinstatement with full back wages is justified. In this case the workman performed more than 240 days and he has been retrenched without payment of compensation and pay in lieu of notice.

In case the workman is reinstated with back wages the respondents have every right, after payment of back wages and reinstatement, to retrench him validly following the principles of first come last go so that section 25, G & H of the I.D. Act are not violated.

The workman applicant is a manual worker. He must be doing some sort of work off and on for his survival. In the facts and circumstances of the case the workman is entitled to 25% back wages.

The reference is replied thus:

The action of the management of State Bank of Hyderabad in terminating the services of Sh. Sanjib Mandal, Part-Time, Labour/Peon from April 2003 is neither legal nor justified. The management should reinstate the workman along with 25% back wages within two months from the date of the publication of the award.

The award is given accordingly.

Date : 30-06-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 21 जुलाई, 2008

का.आ. 2279.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डीजल कार्पोरेशन वर्कर्स के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चण्डीगढ़ नं.-1 के पंचाट (संदर्भ संख्या

55/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2008 को प्राप्त हुआ था।

[फा. सं. एल-40012/139/1993-आईआर(बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2279.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 55/1995) of Central Government Industrial Tribunal-Cum-Labour Court-I Chandigarh, as shown in the Annexure, in the industrial dispute between the management of Diesel Component Works, and their workmen, received by the Central Government on 14-7-2008.

[F. No. L-40012/139/1993-IR(B-1)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH

Case No. I. D. 55/95

Sh. Rajinder Singh, House No. 125, Street No. 9, Guru Nanak Nagar, Patiala, Punjab. Applicant

Versus

The Diesel Component Works, Railway Ministry, Patiala, Punjab. Respondent

APPEARANCES

For the workman : Shri R. L. Luthra.

For the management : Sh. N. K. Zakhmi.

AWARD

Passed on 4-7-08

The Central Government vide notification No. 1-41012/139/93-IR(B-1) dated 1st June, 1995, has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Diesel Component works, Patiala in terminating the services of Shri Rajinder Singh, Khalasi w.e.f. 18-11-1988 is legal and justified ? If not, to what relief the concerned workman is entitled and from what date ?”

The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid

and for reinstatement in service with full backwages and all consequential benefits in the interest of justice, equity and fair play.

The management turned up and opposes this reference.

As per office memorandum dated 30-4-08, this case was fixed in pre Lok Adalat meeting on 4-7-08 for its disposal by adopting the mediation and conciliation mechanism. With the efforts of the Tribunal, the workman agreed to withdraw his reference. The management also agreed to take back the workman in service on the same terms and conditions on which he was terminated but without any back wages and benefits of entire service of the intervening period from the date of termination to the date of order of this court for joining. The prescribed authority of the management and the workman during the hearing of this case in pre Lok Adalat of the management and the workman during the hearing of this case in pre Lok Adalat agreed upon the above mentioned terms and conditions. It is proposed to dispose of this reference in Lok Adalat. Accordingly the reference is returned to the Central Government as settled in Lok Adalat. Central Government be informed. File be consigned to record.

Announced.

4-7-2008

G. K. SHARMA, Presiding Officer.

नई दिल्ली, 21 जुलाई, 2008

का.आ. 2280.—आौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ ट्रेक्सो मित्सुबिशी लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आौद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई, न.-2 के पंचाट (संदर्भ संख्या 14/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2008 को प्राप्त हुआ था।

[फा. सं. एल-12012/311/2003-आईआर(बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2280.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 14/2004) of Central Government Industrial Tribunal-cum-Labour Court-II, Mumbai, as shown in the Annexure, in the industrial dispute between the management of Bank of Tokyo-Mitsubishi Ltd., and their workmen, received by the Central Government on 14-7-2008.

[F.No. L-12012/311/2003-IR(B-1)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT

A. A. LAD, Presiding Officer

Reference No. CGIT-2/14 of 2004

Employers in Relation to the Management of Bank of
Tokyo-Mitsubishi Ltd.

The General Manager
Bank of Tokyo-Mitsubishi Ltd.
Jeevan Prakash
Sir P.M. Road, Fort
Mumbai-400 001.

And

Their Workmen

The President
Bank of Tokyo-Mitsubishi Employees' Association
Jeevan Prakash
Sir P.M. Road, Fort
Mumbai-400 001.

APPEARANCES

For the Employer : Mr. L. L. D'Souza,
Representative

For the Workmen : No appearance

Mumbai, dated 24th June, 2008

AWARD

The Government of India, Ministry of Labour by its Order No. L-12012/311/2003/IR(B-1) dated 20-2-2004 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Bank of Tokyo-Mitsubishi Limited, Mumbai in dismissal of Shri Vishwanath Shetty is justified ? If not, what relief the workman, Shri Vishwanath Shetty is entitled to ?”

2. Claim Statement is filed by Union at Ex-11. It was replied by the first party at Ex-12 and 12 (A).

3. Issues were framed at Ex-14. However union did not appear and lead any evidence. So reference does not survive as subject involved in the reference is not proved.

Hence the order :

ORDER

Reference is disposed of for want of prosecution.
No order as to cost.

Date : 24-6-2008

A. A. LAD, Presiding Officer

नई दिल्ली, 21 जुलाई, 2008

का. आ. 2281.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डायरेक्टर आफ एडल्ट एजुकेशन के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, नई दिल्ली के पंचाट (संदर्भ सं. 140/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-07-2008 को प्राप्त हुआ था।

[सं. एल-42012/121/2003-आई.आर.(सी एम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2281.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 140/2003) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure, in the Industrial dispute between the management of Directorate of Adult Education, and their workmen, received by the Central Government on 21-07-2008.

[No. L-42012/121/2003-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER:

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Presiding Officer : R.N. Rai. I. D. No. 140/2003

In the Matter of :

Shri Birender Kumar & Others,
C/o. President,
Janavadi General Kamgar Mazdoor Union,
Room No.95, Barracks No. 1/10,
Jamnagar House, Shahjahan Road,
New Delhi-110011.

VERSUS

The Director,
Directorate of Adult Education,
10, Jamnagar House,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-42012/121/2003 (IR) (CM-II) Central Government Dt. 13-10-2003 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the demand of the Janavadi General Kamgar Mazdoor Union, New Delhi for regularization and Equal Pay for Equal Work to S/Shri Birender Kumar, Munish Sharma and Kuldeep Singh, daily rated workers by the management of Directorate of Adult Education, Ministry of Human Resource Development, GOI, New Delhi w.e.f. their date of joining in the department is legal and justified? If yes, to what relief, the workmen are entitled and from which date.”

The application has been filed that the dispute raised in this case is covered by the award of this Tribunal dated 24-03-2008. It has been prayed in this application that this dispute may kindly be clubbed and decided with award dated 24-03-2008 in ID No. 03/2006.

The matter referred to in this case has already been decided in ID No. 03/2006. The award passed on 24-03-2008 in ID No. 03/2006 will be deemed to be the award in this case also.

Date: 15-07-2008

R. N. Rai, Presiding Officer

नई दिल्ली, 21 जुलाई, 2008

का. आ. 2282.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डी.डी.ए. के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, नई दिल्ली के पंचाट (संदर्भ सं. 33/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-07-2008 को प्राप्त हुआ था।

[सं. एल-42012/86/2005-आई.आर.(सी एम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2282.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 33/2006) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure, in the Industrial dispute between the management of Delhi Development Authority, and their workmen, received by the Central Government on 21-07-2008.

[No. L-42012/86/2005-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER:

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Presiding Officer : R.N. Rai. I. D. No. 33/2006

In the Matter of :

Shri Satpal Singh,
S/o Sh. Mangat Singh,
C/o. The General Secretary,
Municipal Employees Union,
Aggarwal Bhawan,
G.T. Road, Tis Hazari,
Delhi-110054.

VERSUS

The Chairman,
Delhi Development Authority,
Vikas Sadan,
INA Market,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-42012/86/2005 (IR) (CM-II) Central Government Dt. 12-06-2006 has

referred the following point for adjudication.

The point runs as heeunder :—

“Whether the action of the management of DDA in terminating the services of Sh. Satpal Singh w.e.f. 16-07-2002 without departmental inquiry and non-payment of due subsistence allowance for the period of his suspension is legal and justified? If not, to what relief the workman is entitled and from which date.”

The case of the workman is that he joined the management w.e.f. May, 1981 at the post of Beldar and was treated as muster roll employee and was being paid wages as fixed and revised from time to time under the Minimum Wages Act.

That in the year 1984 the services of the workman were regularized on the work charge basis and since then he was continuously discharging his services to the entire satisfaction of his superiors.

That in the month of July, 1990 an FIR bearing No. 298/1990 was registered with the Police Station, Anand Vihar, U/s 307, 324 & 334 IPC. That the workman was immediately suspended. Bail was granted to him on 23-08-1990 and he approached the management for allowing him duties but no action was taken by the management.

That the Hon'ble Court vide its order dated 20-09-1993 convicted the workman aforesaid. He filed an appeal. The Hon'ble Delhi High Court vide his final judgement order dated 17-07-2001 has reduced the sentence of the workman concerned to that already undergone and his released the workman.

That the management did not hold any inquiry against the workman. His services have been terminated illegally and arbitrarily.

The case of the management is that the workman was suspended when he was in judicial custody as per rules. He was a muster roll employee and he was paid minimum wages.

That the workman stands still convicted and as per rules no convict can be permitted as casual labour on muster roll basis.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard the workman. The management did not turn up for argument.

From perusal of the record it becomes quite obvious that FIR was lodged under Section 307, 324 and 334 IPC. The management suspended the workman as he was in judicial custody. The workman was convicted by Trial Court. He filed appeal before the Hon'ble Delhi High Court. The Hon'ble Delhi High Court maintained the conviction and reduced the sentence with a period already undergone. So the workman at present stands convicted U/s 307, 324 & 334 IPC.

He was muster roll casual labour. The management has every discretion not to retain muster roll Beldar who has been convicted U/s 307, 324 & 334 IPC. The workman is not entitled to get any relief as prayed for.

The reference is replied thus :—

The action of the management of DDA in terminating the services of Sh. Satpal Singh w.e.f. 16-07-2002 without departmental inquiry and non-payment of due subsistence allowance for the period of his suspension is legal and justified. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Dated : 10-07-2008

R.N. RAI, Presiding Officer

नई दिल्ली, 21 जुलाई, 2008

का. आ. 2283.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार महाराष्ट्र बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/प्रम न्यायालय नं. 2, नई दिल्ली के पंचाट (संदर्भ सं. 92/1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-07-2008 को प्राप्त हुआ था।

[सं. एल-12012/122/92-आई.आर.(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2283.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 92/1992) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 21-07-2008.

[No. L-12012/122/92-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT - II, NEW DELHI

Presiding Officer : R. N. RAI I.D. No. 92/1992

In the Matter of :

Shri Devendra Singh,
II-E-61, Nehru Nagar,
Ghaziabad.

VERSUS

The Dy. General Manager,
Bank of Maharashtra, North Zone,
6/30-31, W.E.A., Ajmal Khan Road,
Karol Bagh, New Delhi.

AWARD

The Ministry of Labour by its letter No. L-12012/122/92 IR(B-2) Central Government Dt. 18-9-92 has referred the following point for adjudication.

The point runs as hereunder :

“Whether the Regional Manager and Disciplinary Authority, Bank of Maharashtra, New Delhi was Justified in dismissing Shri Devender Singh, Clerk, Vivek Vihar, Branch w.e.f. 16-6-1988? If not what relief the workman is entitled to.”

The workman was appointed as a clerk in Bank of Maharashtra at Delhi w.e.f. 28.1.84 and he had all along been serving the Bank sincerely and diligently and to the full satisfaction of the authorities of the Bank under whom he had the occasion to work from time to time.

That the service conditions of the workman during all the relevant time were governed by the Awards of the National Industrial Tribunal (Bank Disputes), popularly known as SASTRY AWARD and DESAI AWARD and the subsequent various Bipartite Settlements entered into between the banks including Bank of Maharashtra and their workmen from time to time.

The Bank of Maharashtra is a statutory corporation, constituted by an Act of Parliament, namely the Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970 (Act 5 of 1970) and, therefore, an “other Authority” within the meaning of Art. 12 of the Constitution of India, hence the relationship between the Bank and the workman was a statutory relationship.

That when the workman was working at Vivek Vihar Branch its’ Branch Manager started making some baseless and motivated complaints against the workman and when the workman represented his grievance against such unfair attitude and practices of the Manager, he became all the more annoyed with the workman and stepped up his efforts to falsely implicate the workman on one or the other pretext. Copies of six such representations of the workman made during August, September and October, 1986 against the unfair attitude and practices of the Branch Manager are being filed as Annexure W/1 Colly hereto.

That, instead of taking appropriate action on representations of the workman and removing his grievances, the Regional Manager of the Bank at New Delhi, acting at the instance of the concerned Branch Manager and on his motivated complaints against the workman, issued to the workman a letter dated 3-11-86, making therein a number of allegations regarding his alleged acts of misconduct and misbehavior of the workman and calling for his explanation on the same, which the workman submitted by his letter dated 8-11-86 but the Regional Manager, rejecting the workman’s explanation dated 8-11-86 as unsatisfactory without giving any reasons, issued a further letter dated 11-11-86 to the workman, asking him to admit or deny the charges contained in the letter dated 3-11-86 within two days of its receipt, with the rider that if the workman failed to do so, it would be construed that the workman accepted all the charges and necessary action would be taken against him under the Bipartite Settlement. That immediately after receipt of workman’s letter/reply dated 13-11-86, the Regional

Manager issued a charge sheet dated 20-II-86 to the workman, which contained 1 allegations and 7 charges of minor and gross misconducts against the workman and simultaneously appointed an Enquiry Officer and a Presenting Officer for conducting a departmental enquiry against the workman.

That the Enquiry Officer commenced the enquiry against the workman on 15-12-86, when the Presenting Officer gave a list of documents and 5 witnesses to prove the charges against the workman. The workman, when so asked by the Enquiry Officer, also gave a list of 10 documents, which he wanted to be called from the management for his defence, but the Enquiry Officer allowed production of only three of these summoned documents and disallowed the summoning of the other 7 documents with an order ‘NOT REQUIRED’, without adducing a single reason for such rejection of production of these 7 documents which he wanted for his defence. The Presenting Officer examined 6 witnesses on behalf of the management on 17-12-86 and 18-12-86 and with this the enquiry was concluded, followed by submission of written arguments of the Presenting Officer and workman and rebuttal written arguments of the Presenting Officer.

That without anything more, the Regional Manager/ Disciplinary Authority passed a final order dated 16-6-88, which was served on the workman under cover of his letter dated 2-9-88, copies of which are being filed as ANNEXRE W/6 Colly. By this final order the workman was dismissed from service by way of punishment for charge No. 6, while for other charges, he was given punishment of stoppage of his increment for various periods.

That before the passing of the aforesaid final order dated 16-6-88 and its communication by letter dated 2-9-88, no copy of the findings of the Enquiry Officer was provided to the workman nor any opportunity was given to him to show cause against the punishments which were directly imposed vide order dated 16-6-88, by which he was advised to submit an appeal to the Appellate Authority within the stipulated period.

That the workman submitted an appeal dated 22-9-88 to the Deputy General Manager/Appellate Authority, which was partly heard on 3-11-88 followed by written submissions of the workman dated 16-1-89 alongwith certain documents. The said Appellate Authority dismissed the appeal of the workman by his orders dated 12-6-89, which were served on the workman on 9-9-89 under cover of the letter dated 3-7-89 of Chief Manager, Disciplinary Matters, Pune. That aggrieved by the illegal and unjustified action of the management in dismissing him from service, the workman served a demand notice dated 19-10-89 on the management, but as the management did not show any inclination to settle the matter amicably, the workman raised an industrial dispute in the matter before the Central Assistant Labour Commissioner, New Delhi, who initiated conciliation proceedings for bringing about a settlement between the parties, which ended in failure, leading to the dispute being referred to this Honourable Tribunal for adjudication. A copy of the aforesaid demand notice of the workman dated 19-10-89 is being filed as ANNEXURE W/7 hereto.

That these being briefly the facts of the case, the action of the management in dismissing the workman is being impugned on the following, among other Grounds :

The very initiation of disciplinary action against the workman vide Regional Manager's letter dated 3-11-86 was not bona fide as it was issued on the basis of prejudiced reports/complaints of the Branch Manager, Vivek Vihar Branch, who was annoyed with the workman on account of his various representations against the unfair attitude and unfair practices of the said Branch Manager against the workman in particular and other staff of the Branch in general and as the workman had sought the intervention of the Union in the matters complained of by the workman.

The Regional Manager took no notice of and did not go into the truth of facts stated in the various representations/complaints of the workman against the unfair attitude/practices of the Branch Manager, he proceeded to act quickly on the ex parte reports/complaints made by the Branch Manager against the workman.

While summarily rejecting the workman's reply to the Regional Manager's letter dated 3-11-86 as not satisfactory he did not adduce any reason as to why, on what points and in what respects, it had been found to be not satisfactory.

That the institution of the enquiry against the workman simultaneously with the issue of the charge-sheet without giving the aforesaid opportunity to the workman only showed further pre-determination of the authorities against the workman and rendered the enquiry to be held against him to an empty formality. So, the order of the institution of enquiry was premature and bad in law and vitiated the enquiry held against the workman.

That although the Bank's Presenting Officer had listed 5 witnesses to be produced/examined in the support of the charges, but he withheld one of them, Shri Jagmal Singh, a material witness, from the enquiry, without adducing any reason therefore, which showed that the management had found that the evidence of this witness may falsify the charges framed against the workman, and the Enquiry Officer did not even enquire from the Presenting Officer as to why he was withholding this witness from the enquiry.

That, on the other hand, the Presenting Officer was allowed to suddenly bring in and examine two witnesses, namely Shri Dev Dutta Sharma MW-4 and Shri Dharamvir MW5 in between the evidence of the already listed witnesses and before concluding the evidence of the already listed witnesses, with the obvious intention of taking the Defence by surprise. It is submitted that no prior statements of the above two new witnesses had been brought on record of the enquiry, nor their names were disclosed before producing/examining them.

The enquiry held was also vitiated for the reason of non-production of a number of material and essential witnesses, on whose purported statements/information obtained outside the enquiry, reliance was being placed

in support of the charges against the workman, such as follows :—

- (a) The Cashier who had made the payment of cheque dated 14-7-86 (produced as Exhibit ME-1 in the enquiry), who alone could say to whom he had made the payment of the said cheque and was, therefore, a material witness in regard to the allegation/charge, relating to this transaction.
- (b) the counter clerk, from whom the unnamed partner of M/s. Shri Ram Enterprises had purportedly made enquiries on 14-7-86, as was alleged in the letter of Shri Raja Ram, another partner of the said Firm, dated 17-10-86 (produced as Exhibit ME-3 in the enquiry).
- (c) the said unnamed partner of the aforesaid Firm, referred to in Exhibit ME-3, on whose purported information the said letter dated 17-10-86 was written.
- (d) Though the letter, exhibit ME-3, also alleged that the other (unnamed) partner of the aforesaid Firm had also made enquiries from 'other clerks' of the Branch, but no attempt was made even to ascertain the name/identity of the said unnamed other partner of the said Firm and/or the other clerks of the Branch, what to say of producing them in the enquiry.
- (e) The Presenting Officer had produced a letter dated 6-10-86 jointly signed by 5 staff members of Vivek Vihar Branch and addressed to the Branch Manager, but none of the signatory staff members was produced in the enquiry, thus depriving the workman of an opportunity to bring on record the facts in regard to this joint letter.

That though the Enquiry Officer had himself asked the workman to give a list of the documents which he wanted for his defence, but the enquiry Officer permitted the production of only 3 out of the 10 documents listed by the workman, and as regards the remaining 7 documents, the Enquiry Officer disallowed the production of these 7 documents with just a cryptic order "NOT REQUIRED" without saying a word why these 7 documents were not required and without going into the relevancy of these documents to the defence case and without even asking the management/Presenting Officer whether or not these documents could be produced or whether the management had any objection against production of these documents. In thus arbitrarily and capriciously rejecting the production of these documents, the Enquiry Officer acted in flagrant violation of the principles of natural justice and revealing his promanagement bias, and, therefore, the enquiry stood vitiated on this ground also.

That the Enquiry Officer showed a clearly partisan attitude in favour of the management in permitting the Presenting Officer to submit further arguments after receiving the arguments of the workman, though the Presenting Officer had already been given the opportunity of submitting his arguments earlier.

Because the enquiry Officer was stated to have submitted his report/findings to the Disciplinary Authority after conclusion of the enquiry, but the copy of the said Report/findings of the Enquiry Officer was not furnished to the workman either before or with the order of proposed punishments passed by the Disciplinary Authority, in the absence of which the workman was disabled from making any submissions against the findings of the Enquiry Officer, on which the Disciplinary authority had based his order of proposed punishments and thus the opportunity to show cause and of hearing against the order of proposed punishment was reduced to a misnomer. The non-supply of the findings of the Enquiry Officer was thus not only in violation of the principles of natural justice, but was also in breach of the provisions of the Bipartite Settlement, which vitiated the final order of the Disciplinary Authority where by the proposed punishments including dismissal of the workman were imposed on the workman.

Because the final order dated 16-6-88 was passed only as a matter of course and without any objective consideration of the submissions made by the workman against the order of proposed punishment and without complying with the requirements of clause 19.12C of Bipartite Settlement dated 19-10-66.

In the facts and circumstances stated and in view of the grounds pleaded above, the action of the management/ Regional Manager-Disciplinary authority of the Bank in dismissing the workman was utterly illegal and unjustified and it is, therefore, prayed that the Hon'ble Tribunal may be pleased to answer the present reference in favour of the workman and to make an award, setting aside the dismissal of the workman and directing his reinstatement with full back wages, continuity of service and all other back benefits and privileges as also making an order for payment of suitable costs of the case to the workman.

In the written statement filed by the management it is stated that Shri Devender Singh was employed by the management as clerk w.e.f. 28-1-94 and rest of the content of the said paragraph are incorrect and unfounded, hence denied. As a matter of fact, the concerned employee did not improve in his conduct and behaviour in spite of advices and warnings administered upon him on several occasions.

The bank was nationalized by an Act of Parliament. Rest of the contents are vague and misconceived, hence not admitted in the manner stated. The service conditions of the concerned employee are being regulated under Sastry/Desai Awards and also under various Bipartite Settlements as admitted by the concerned employee in para 3 of his claim statement.

In reply to para 5 it is stated that as a matter of fact the concerned employee, in order to cover up his misconduct committed by him on numerous occasions, started writing false and malicious complaints/ representations. The concerned employee should be put to strict proof in support of the averments made in the said paragraph.

In reply to para 6 it is submitted that the management served a show cause notice dated 3.11.86 upon the concerned employee in regard to various acts of misconduct committed by him. Since the concerned employee submitted very vague and evasive reply, vide his letter dated 8th Nov. 1986, therefore, the Management asked him to submit specific reply in respect of each and every charge levelled against him, vide letter dated 11-11-86. Inspite of affording him full opportunity to explain and submit his explanation in respect of each and every charges/allegations levelled against him, the explanation tendered by him vide letter dt. 13th Nov. 1986 was not considered satisfactory, the Management served a regular Charge-sheet dated 20-11-1986 and constituted a departmental enquiry. The averments made to the contrary in the said paragraph are devoid of truth hence denied.

In reply to para 7 it is stated that a regular charge-sheet dated 20-11-86 was served upon the concerned employee keeping in view the principles of natural justice and also in compliance with the various provisions of Sastry/Desai Awards and Bi-partite Settlements, a departmental enquiry was constituted and the concerned employee was informed accordingly.

In reply to para 8 it is submitted that averments made in this para are incorrect and misleading, hence not admitted except what has been specifically admitted. In fact six witnesses were examined on behalf of the management in support of the charges leveled against the concerned employee and whereas no evidence was led in defence by the Charge-sheeted employee nor he preferred to give his own statement in spite of the fact the enquiry officer gave full opportunity to the Charge-sheeted employee. It is wrong to allege that the Enquiry Officer had disallowed the summoning of 7 documents. As a matter of fact the Enquiry Officer had disallowed the summoning of three documents which had no relevance with the incident of the allegations/ charges leveled against the Charge-sheeted workman. Non production of documents has not caused any prejudice to the charge-sheeted workman. It is however admitted that the Enquiry Officer, after completing the oral and documentary evidence of both the sides, had allowed both the parties to submit the written arguments. The record of the enquiry proceedings will reveal the truth that the enquiry officer strictly adhered to the principles of natural justice in conducting the enquiry proceedings.

The averments made in para 9 of the statement of claim are admitted to the extent the services of the concerned employee were terminated vide final order dated 16-6-88 passed by the Disciplinary Authority as the Charge No. 6 levelled and proved against the concerned employee was grave and serious nature warranting punishment of dismissal and awarding punishment of stoppage of increment for various durations in respect of each charge proved against him. On perusal of the charges proved against the concerned employee, it would reveal that the employee concerned has proved himself unsuitable to be retained in service. His retention in service would have been more detrimental and prejudicial to the interest of the

bank. However, it is further submitted that the Disciplinary Authority, vide communication dated 26 Feb. 1988 afforded one more opportunity to the concerned employee by proposing the quantum of punishment in respect of each and every charge proved against him and he had taken into consideration the representation/ arguments of the chargesheeted employee before awarding final punishment.

The contents of para 10 of the statement of claim are vague, misconceived and incorrect, hence not admitted in the manner stated. It is reiterated that the Disciplinary Authority had served a show cause notice dated 26-2-88 to the concerned employee proposing the quantum of punishment in respect of each charge proved against him, before awarding final punishment. It is further submitted charge-sheeted employee did not ask for a copy of the findings of the enquiry officer. However, the Management provided a copy of the findings of enquiry officer to the defence assistant who had acknowledged the receipt thereof. The concerned employee has deliberately concealed this fact just to mislead the Hon'ble Court.

As regards averments made in para 11 of the Statement of claim, it is submitted that the concerned employee had filed an appeal dated 22 Sept. 1988 against the order of disciplinary Authority. The Appellate Authority had given a patient hearing to the concerned employee and did not find any substance in the arguments of the charge-sheeted employee, therefore, the appeal was dismissed vide order dated 12 June, 1989.

The averments made in para 12 are admitted to the extent that the Management had received a Demand Notice dated 19th October 1989 from the concerned employee and same was duly replied by the Management. Subsequently the concerned employee had raised an industrial dispute before the Asstt. Labour Commissioner (Central), New Delhi which culminated in the present reference. The contents of the rest of the said para are totally wrong, baseless and unfounded hence emphatically denied. It is further submitted that the charge levelled and proved against the concerned employee is of very grave and serious nature warranting punishment of dismissal, therefore, the action of the Management in dismissing the concerned employee from the services of the Employment is legal, proper and justified particularly in view of the fact the person of double character and integrity can not be retained in the bank's service as the whole banking system depends upon confidence and trust of its customers.

The allegation made in sub-para (A) are totally wrong and baseless. In fact the disciplinary proceedings initiated by Regional Manager vide letter dated 3rd September, 1986 were bonafide and were based on just and correct reports/complaints of not only of the Branch Manager but customer also. So much so the charge sheeted employee had also admitted his built in writing also. The allegation to the contrary that the Branch Manager was annoyed with the concerned employee on account of his making various representations against the Branch Manager are totally wrong and baseless, hence denied in

toto. Rather the concerned employee made false and vacuous representations/complaints in order to cover up his own lapses/mis-conducts committed by him from time to time.

The contents of sub-para B and C are totally wrong, baseless and unfounded, hence emphatically denied. It is wrong to allege that a show cause notice dated 3-11-86 was served upon the concerned employee to harass and victimize him. Even at the cost of repetition, it is submitted that the representation/Complaint made by the concerned employee against the Manager were baseless and unfounded and they were just made to cover his own lapses/misconducts.

As regards the averments made in sub-para D, it is submitted that the Disciplinary Authority directed the concerned employee to submit his specific reply in respect of each and every charge levelled against him, vide Show Cause Notice dated 3rd Nov. 1986 as he gave evasive reply in his letter dated 11-11-86. Asking the concerned employee to give specific reply in respect of the charges levelled against him, by no stretch of imagination could be termed pre-judicial approach on the part of the Regional Manager.

The averments made in sub-para (E) are admitted to the extent that the explanations submitted by the concerned employee vide his letter dated 13th November, 86 were not considered satisfactory and accordingly the Disciplinary Authority served a charge-sheet dated 20th November, 1986 upon the concerned employee and also constituted a Departmental Enquiry, in order to afford full opportunity to the concerned employee to defend himself effectively. The constitution of the Departmental Enquiry was in consonance with the principle of natural justice and also in compliance with various provisions of Sastry/Desai Award and/or Bipartite Settlement. The allegation made to the contrary are wrong and baseless, hence denied in toto.

The contents of sub-para F are vague, misconceived and unfounded, hence denied. It is further submitted that since the explanations submitted by the concerned employee in response to Show Cause Notice dated 3-11-86 were not found satisfactory and accordingly management served the so called notice in respect of the some allegations/charges which were mentioned in the aforesaid show cause notice. Accordingly there was no requirement under any provisions of the Bi-partite Settlement dt. 19 October, 1966 for calling further explanations of the concerned employee. The setting up of Departmental enquiry, simultaneously could not be termed in violation of principles of natural justice and/or any of the provisions of the Bi-partite Settlement. The averments made to the contrary are devoid of any truth, hence emphatically denied.

The averments made in sub-para G and various sub paras are totally wrong, baseless and unfounded and hence emphatically denied.

The averments made in sub para I are vague, misconceived and unfounded, hence denied. It is not obligatory on the Management to examine each and every witness as per the list of witnesses submitted during the

course of Enquiry Proceedings. In case the Management had not examined any witness as per the list submitted before the Enquiry Officer, it was open for the concerned employee to summon/call the Management's witness to be examined by him as his own witness. It is further submitted that the charge sheeted employee did not give his own statement nor examined any witness in his defence. Thus the allegations made in this para are baseless and after thought.

The averments made in sub para 2 are not only baseless but after thought, hence denied. The concerned employee had never objected during the course of enquiry proceedings when the relevant witnesses were examined by the Presenting Officer. It is further mentioned that the Enquiry Officer is competent to adopt any procedure to be observed/followed during the course of enquiry proceedings. In as much as no detailed procedure to be observed/followed during the course of enquiry proceedings. In as much as no detailed procedure to be observed/followed during the course of enquiry proceedings. In as much as no detailed procedure for conducting the departmental enquiry has been laid down anywhere either under any Award or Bipartite Settlement. The averments made to the contrary are baseless and uncalled for, hence denied.

The contents of sub para 3 and its sub-clauses (a) to (e) are vague, misconceived and uncalled for. The concerned employee had never made any request to the enquiry officer for production/summoning any witness on his behalf. Besides this, it is the prerogative of the Presenting Officer to examine any witness in support of his case and he was not under any legal obligation to examine each and every concerned witnesses as per the list of witnesses filed by him. It is further submitted that there was sufficient documentary as well as oral evidence on the record of the enquiry proceedings to prove the charges levelled against the concerned employee. The Enquiry Officer has weighed the evidence came on the record of the enquiry proceedings while giving his findings on each and every charges levelled against the concerned employee.

The contents of sub-sub-para (4) are wrong, baseless and unfounded, hence denied. As a matter of fact, the Enquiry Officer allowed the concerned employee to file all the relevant documents in his defence which were having any bearing on the charges levelled against him. The allegation to the contrary against the Enquiry Officer are baseless, incorrect and unfounded. The concerned employee should be put to strict proof in support of the averments made in this sub-sub-para.

The contents of sub-sub-para 5 are totally wrong, baseless, and unfounded, hence emphatically denied. The record of the enquiry proceedings will reveal that the Enquiry Officer strictly adhered to the principles of natural justice during the course of enquiry proceedings.

The contents of sub-sub-para (6) are again wrong, baseless and unfounded, hence denied. It is further submitted that the concerned employee had never asked the Enquiry Officer for production of workman explanations

dated 8-11-86 and 18-11-86, as alleged. Besides this, none had stopped the concerned workman to file copies of his alleged explanation.

The contents of sub-para II are incorrect and not admitted in the manner stated. It is further submitted that the concerned employee had never demanded a copy of the Enquiry report even when the Disciplinary Authority served a Show Cause Notice dated 26th Feb, 1988 proposing a quantum of punishment to be awarded in respect of each and every charge proved against the concerned employee. In these circumstances, the concerned employee can not blame the management for not furnishing a copy of the Enquiry Report to him. However, a copy of the findings of the Enquiry Officer was provided to the defence Assistant which he had duly acknowledged. The averments made to the contrary are after thought and baseless, hence denied.

The contents of sub-para (I) are mere repetition of the averments made in earlier paragraphs which have been replied by the Management in detail. So much so the averments made in the said paragraphs are not only baseless and after thought, hence denied. As a matter of fact, the Disciplinary Authority has considered the charges levelled against the concerned employee, his explanations/arguments and enquiry proceedings along with all connected documents, findings of the Enquiry Officer and also the explanations tendered by the concerned employee in reply to show cause notice dated 26-2-88 proposing the quantum of punishment in respect of the charges proved against him while awarding final punishment upon the concerned employee.

The contents of sub-paras (J) & (K) are vague, misconceived and unfounded, hence denied. Particularly in view of the fact that the concerned employee failed to give any reason as to how the provisions of Bi-partite Settlement dated 19-10-66 were not complied with by the Management. Mere delay in communicating the decision of the Disciplinary Authority would not vitiate the action of the Management in dismissing the concerned employee from the services of the bank more so when the concerned employee was afforded full opportunity to file an appeal against the order of the Disciplinary authority.

The contents of sub-para (L) are vague, misconceived and unfounded, hence emphatically denied. The charge No. 6 for which dismissal has been passed very much fall within the ambit of misconduct in terms of clause No. 19.5 of the Bipartite Settlement dated 19th October, 1966. Similarly charge No. 7 is also a mis-conduct under the clause 19.5 of the Bi-partite Settlement. The concerned employee should be put to strict proof in support of the averments made in the said paragraphs:

The contents of sub-para (M) are again vague, misconceived and unfounded, hence denied. The Appellate Authority had dismissed the appeal of the concerned employee after giving him patient hearing and after application of mind. The averments made to the contrary are devoid of any truth, hence denied.

The contents of para 14 are totally wrong, baseless

and unfounded, hence denied. It is further submitted that the charged levelled and approved against the concerned employee were of grave and serious nature warranting punishment of dismissal. More particularly when the charges were fully established against him in a Departmental Enquiry therefore, the action of the Management in terminating the services of the concerned employee is legal proper and justified and as such he is not entitled for reinstatement with continuity of service and back wages as alleged.

The management in the first instance relied upon the Departmental Enquiry and findings of the Enquiry Officer to substantiate the charges levelled against the concerned employee, Sh. Devinder Singh. In case the Hon'ble Tribunal comes to the conclusion that the Enquiry Proceedings were not conducted in conformity with the principles of natural justice and or suffer due to any technical grounds, in that event Management craves leave of the Hon'ble Tribunal to prove the charges by leading evidence before this Hon'ble Tribunal.

The concerned employee is gainfully employed on or after termination of his services by the Management and as such he is not entitled to claim/reinstatement/back wages as claimed for.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman is that when he was working at Vivek Vihar Branch, the Branch Manager started making baseless and motivated complaints against the workman. When the workman made representation against such unfair attitude and practice of the Manager he tried to falsely implicate the workman on one or the other pretext.

It was submitted that a charge-sheet dated 3-11-1986 making therein 11 allegations and 7 charges of minor misconduct against workman was served and inquiry officer and P. O. were appointed. The workman has challenged the inquiry proceedings on the ground that the Inquiry Officer allowed production of only three documents whereas he has filed the list of 10 documents. The Inquiry Officer dis-allowed summoning of the other seven documents with an order not required.

It was submitted that the P.O. examined this witness on behalf of the management on 17-12-1986 and 18-12-1986 and with this the inquiry was concluded and written arguments were filed.

It was further submitted that copy of the findings of the Inquiry Officer was not provided to the workman and no opportunity was given to make representations against the proposed punishment. The appeal of the workman was also

dismissed without considering the points raised by him.

It was further submitted that the inquiry was instituted simultaneously with the issue of charge sheet. No opportunity for explanation was given. That the P.O. was directed to examine two witnesses namely Sh. Devender Dutt Sharma, MW4 and Sh. Dharamvir MWS in between the evidence of the already listed witnesses. The inquiry stands vitiated for the reasons of non-production of material and essential witnesses.

It was further submitted that the P.O. has produced the letter dated 6-10-1986 generally signed by five staff members of Vivek Vihar Branch but none of the staff member were produced in the inquiry. The Inquiry Officer was partitioned and the workman was not given pre-decisional hearing.

That the workman was not permitted to produce his own evidence. The principles of natural justice were not observed in the course of inquiry.

It was submitted from the side of the management that the workman in order to cover up his mis-conduct committed by him on numerous occasions started writing false and malicious complaints and representations. The workman was afforded full opportunity to explain and submit his explanation in respect of each and every charges/allegations levelled against him. His explanations were not found satisfactory so a regular charge sheet dated 20-11-1986 was served on him and a departmental inquiry was held.

It was submitted that the management examined three witnesses in support of charged levelled against the concerned employee and no defence was led in defence by the chargesheeted employee. He did not give even his own statement. The Inquiry Officer allowed the relevant documents to be summoned.

It was submitted from the side of the management that the workman has cross-examined all the witnesses. Adequate opportunity for his defence evidence was given. The Inquiry Officer considered all the aspects and found the workman guilty of all the charges levelled against him.

It was submitted that the punishment imposed on the workman in view of the grave mis-conduct is also justified. Principles of natural justice have been observed by the Inquiry Officer. The orders of the DA and AA are reasoned ones.

From perusal of the record it becomes quite obvious that the workman has sent letters to Administrative Officer, Bank of Maharashtra vide his letter dated 21-9-1988. This letter is admitted to the workman. Letter dated 21-6-1988 has been addressed to Sri Ram Enterprises. From this letter it becomes quite obvious that the workman has stated his difficulty in this letter and has admitted withdrawing the amount of Rs. 3,000 on the cheque of Sri Ram Enterprises. He has also stated that he lost his mental balance due to sudden accidental death of his brother and he has enclosed cheque No. 043304 for re-payment of the money detained by him to Sri Ram Enterprises.

From perusal of the inquiry proceedings it becomes quite vivid that incident 1 to 3 relate to not working of the workman on his allotted seat on 29-8-1986 for about one hour. During his absence Mr. B.R. Kulkarni MW6 attended his duties and the workman did not pay any heed to the Manager's advice to go down from first floor and to work on his allotted seat. The management has examined Mr. B.R. Kulkarni in support of incident no. 1 to 3. Mr. Kulkarni has further stated in his evidence that the workman has been allotted SB A/c. No.2 and has not completed the work pertaining to his seat. He has posted only 41 vouchers out of 77 and rest of the vouchers were posted by Mrs. Rekha Raste, Officer and Mr. Kulkarni himself.

The management has examined Mr. Neel Kandan, Branch Manager and he has deposed before the Inquiry Officer that the workman refused to sign the office order regarding clearing with the office order register which was sent to him to by a sub-staff.

From perusal of the inquiry proceedings it becomes quite obvious that the workman was called to the office of Mr. M. Kulkarni and he was asked to sign but Mr. Devender Singh refused to sign. It also becomes quite obvious that these witnesses have been cross-examined but the defence has failed to rebut the evidence of Mr. Neel Kandan and Mr. Kulkarni. The incident 1 to 3 are found proved by the Inquiry Officer on the basis of the evidence of Mr. Neel Kandan and Mr. Kulkarni.

Incident No. 5 relate to demanding of OT. The witness has stated that the workman was not allowed any OT work. The Inquiry Officer has found incident No. 5 proved on the basis of the document that no order for OT has been given to the workman. The workman has claimed OT without performing OT duty. MW1 has deposed that he handedover the cheque of Rs. 3,000 to the workman due to heavy rush. The workman encashed the said cheque on 14-9-1986 but he did not pay the same to MW1. The management has examined Sh. M. K. Sharma who collected the money and gave it to the workman. This witness requested the workman to return the money to Sh. Raja Ram but the workman did not do so. In the course of inquiry the evidence of MW4, Sh. Dev Dutt Sharma and MW5 Sh. Dharamvir has been taken regarding cheque of Rs. 3000.

From perusal of the inquiry proceedings it becomes quite vivid that six witnesses have been examined for 11 incidents and the Inquiry Officer has found charge No. 1 to 6 proved.

It was submitted on 4-7-1988 that Sri Ram Enterprises withdrew his complaint as he has received the amount of the cheque. The workman has stated in his cross-examination that he was supplied the copies of all the documents which the management had filed in the inquiry. He was afforded opportunity to cross-examine the witnesses produced by the management in the inquiry. He was also given opportunity to appear as witness and also produce defence of his choice. He has applied for the copies before the order of the DA. He has given his arguments to the

Inquiry Officer. He was represented by his defence counsel, so it becomes quite obvious from the cross-examination of the workman that he has been afforded opportunity to cross-examine all the witnesses and he has cross-examined all the six witnesses. It may be that he may not have received the findings of the Inquiry Officer but he received the same two days before the orders of the DA. The management has examined six witnesses regarding all the charges. All these witnesses have deposed against the workman and they have been cross-examined by the workman but the workman could not rebut the charges as they were based on documentary evidence.

It has been held that in a domestic inquiry the strict and sophisticated rules of evidence under the Evidence Act may not apply. All materials which are logically probative for a prudent mind are permissible. There is no allergy to hearsay evidence provided it has reasonable nexus and credibility. The departmental authorities and administrative tribunals must be careful in evaluating such material and should not glibly swallow what is strictly speaking not relevant under the Evidence Act.

The sufficiency of evidence in proof of the finding by a domestic tribunal is beyond scrutiny. Absence of any evidence in support of a finding is certainly available for the court to look into because it amounts to an error of law apparent on the record.

It has been held in 1972 (25) FLR 45 as under :--

An Industrial Tribunal would not be justified in characterizing the finding recorded in the domestic inquiry as perverse unless it can be shown that such a finding is not supported by any evidence, or is entirely opposed to the whole body of the evidence adduced before it. In a domestic inquiry once a conclusion is deduced from the evidence, it is not permissible to assail that conclusion even though it is possible for some other authority to arrive at a different conclusion on the same evidence.

It has been held in this case that in domestic inquiry evidence of a solitary witness is sufficient to hold the charges proved.

It has been held in 2001 (89) FLR 427 as under :--

"It is well settled that a conclusion or a finding of fact arrived at in a disciplinary inquiry can be interfered with by the court only when there is no material for the said conclusion; or that on the materials, the conclusion cannot be that of a reasonable man."

From perusal of the inquiry proceedings and report of the Inquiry Officer and the orders of the DA & AA it becomes quite obvious that no prejudice has been caused to the workman. The findings of the Inquiry Officer are not perverse. The DA & AA has considered the representation of the workman and have passed reasoned orders. It cannot be said that it is a case of no evidence. The findings of the Inquiry Officer and the orders of the DA & AA are not perverse.

The punishment imposed on the workman is appropriate in view of his grave mis-conduct of dis-obedience

and retaining the money of Sri Ram Enterprises. No interference is required.

The reference is replied thus : -

The Regional Manager and Disciplinary Authority, Bank of Maharashtra, New Delhi was justified in dismissing Shri Devendra Singh, Clerk, Vivek Vihar Branch w.e.f. 16-6-1988. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date : 17-7-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 21 जुलाई, 2008

का. आ. 2284.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनियन बैंक ऑफ इण्डिया के प्रबंधतंत्र के संबंद्ह नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, नई दिल्ली के पंचाट (संदर्भ सं. 57/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-2008 को प्राप्त हुआ था।

[सं. एल-12012/76/96-आई आर(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2284.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 57/1997) of Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workmen, which was received by the Central Government on 21-7-2008.

[No. L-12012/76/96-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Presiding Officer : R. N. RAI I. D. No. 57/1997

IN THE MATTER OF :

Shri Bharat Bhushan,
C/o. The General Secretary,
Union Bank Staff Association,
Biram Khan, Gomti Nagar,
Lucknow (UP).

VERSUS

The Dy. General Manager,
Union Bank of India,

Sharda Tower, Kapurthala Complex,
Aliganj, Lucknow (UP).

AWARD

The Ministry of Labour by its letter No. L-12012/76/96-IR(B-II) Central Government Dt. 09-05-1997 has referred the following point for adjudication.

The point runs as hereunder : —

“Whether the action of the management of Union Bank of India in imposing the punishment of stoppage of one increment with cumulative effect on Sh. Bharat Bhushan vide Order No. ENO : DEL/RR/633/90 dated 27-02-1990 is just, fair and legal? If not, to what relief the said workman is entitled.”

The case of the workman is that he was served a charge-sheet by the employer vide order dated 22-08-1989 alleging that he did acts prejudicial to the interest of the bank and negligence likely to involve the bank in monetary loss.

That the inquiry was instituted by the management and Sh. Ravinder Raj was appointed as Inquiry Officer. It is vivid from ann. W 2 that he arrogated the role of DA and imposed the punishment on the workman which is grossly illegal and unjustified.

That the Inquiry Officer did not consider the written statement submitted by the workman on 15-02-1990 sent by registered post within two days of the conclusion of the evidence.

The management examined only one witness Sh. U.P. Singh and he was not a material witness as he was not witness to anything and his deposition has got no evidentiary value at all.

That the Inquiry Officer was biased and his findings are vitiated and perverse. Principles of natural justice have not been followed by the management.

The case of the management is that the workman did not credit the amount deposited and he did not debit the amount withdrawn, so an inquiry was held against the workman. The Inquiry Officer recorded the evidence of one witness and thereafter he gave his findings. The workman was given opportunity to cross-examine the witness. He was provided all the documents relied upon during the course of the inquiry.

Principles of natural justice have been followed. The workman has been found guilty of the offence.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that the findings of the Inquiry Officer are perverse and the

punishment imposed on him is absolutely illegal. It is a case of no evidence.

It was submitted from the side of the management that the inquiry was instituted as one Sh. Kirpal Singh filed an application that the entire money deposited by him has not been entered in his pass book.

From perusal of the inquiry proceedings it becomes quite obvious that the charges relate to not crediting the amount deposited by the depositor in SB A/c. No. 2126 and the CSE also did not debit the amount withdrawn by the account holder.

In the inquiry on the basis of the documents it was found that the pass book was not maintained properly. The amount deposited has not been credited into the account and the amount withdrawn has not been debited and one Sh. Kirpal Singh has made a complaint that the pass book is not having correct balance. The amount deposited has not been credited by the workman.

The inquiry proceeding further reveals that the workman has not misappropriated any money of the complainant A/c. holder. He has not debited and credited the amount withdrawn and deposited, so Sh. Kirpal Singh made a complaint regarding the same.

From perusal of the findings of the Inquiry Officer it becomes quite obvious that he found the workman negligent in not maintaining the pass book of Sh. Kirpal Singh. Not making proper entries of debiting and crediting is a minor offence. The workman did not commit any offence deliberately. The entries were left out of the amount deposited and the amount withdrawn in the A/c. of account holder. This fact is proved from the documents alone. No evidence of any witness is required.

In the instant domestic inquiry has been held. Only one witness Sh. U.P. Singh has been examined. He has produced the document regarding left out vouchers of debit as well as credit. The A/c. holder has made a complaint that proper entries has not been made in his pass book by the workman.

The inquiry officer has found this fact proved on the basis of the document. The workman has not credited to the account No. 2126 Rs. 62300/- though this amount has been deposited by account holder No. 2126. The workman has not debited the amount Rs. 62300/- withdrawn by the account holder. The entries of the pass book and the document regarding those entries are themselves sufficient proof for establishing the charge.

The workman has worked negligently in not crediting the amount deposited and in not debiting the amount withdrawn. The Inquiry Officer found this fact on the basis of document. Principles of natural justice have been followed. The inquiry is valid and proper.

The punishment imposed on the workman is not justified for negligent act of not maintaining the A/c. properly. There is no charge of embezzlement against him. In the circumstances stoppage of one increment for one year is sufficient punishment in view of the minor

mis-conduct of the workman.

The reference is replied thus :—

The action of the management of Union Bank of India in imposing the punishment of stoppage of one increment with cumulative effect on Sh. Bharat Bhushan vide Order No. ENO : DEL/RR/633/90 dated 27-02-1990 is neither just nor fair nor legal. The workman deserves punishment of stoppage of one increment for one year only. The management should make payment of the amount withheld owing to stoppage of one increment with cumulative effect within two months from the date of the publication of the award.

The award is given accordingly.

Dated 18-7-2008 R. N. RAI, Presiding Officer

नई दिल्ली, 21 जुलाई, 2008

का.आ. 2285.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधतत्र के सबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकारण/पूणे (महाराष्ट्र) के पंचाट (संदर्भ संख्या 66/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-07-2008 को प्राप्त हुआ था।

[सं. एल-12012/165/2004-आई आर.(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2285.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 66/2004) of the Industrial Tribunal, Pune (Maharashtra) as shown in the Annexure in the Industrial Dispute between the management of Union Bank of India and their workmen, received by the Central Government on 21-7-2008.

[No. L-12012/165/2004-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE.

BEFORE SHRI S.M. KOLHE, INDUSTRIAL TRIBUNAL, PUNE

Reference (IT) No. 66 of 2004

BETWEEN

Deputy General Manager,
Union Bank of India,
“Jeevan Prakash” LIC Bldg.,
University Road, PUNE—411005. .. First Party

AND

Shri Chandrashekhar T. Rajmane
Opp. Jagdamba Bhaji Mandai,
Rashin Peth, Karmala
Tal. Karmala, Dist. Solapur. .. Second Party

In the matter of: Industrial dispute pertaining to illegal termination from services w.e.f. 15-9-2002

of Shri Chandrashekhar T. Rajmene.

Appearances : Smt. A. A. Wachasunder, Advocate for First Party.

Shri R.G. Londhe, Advocate for Second Party.

AWARD

DATE : 5-7-2008

1. Industrial dispute referred for adjudication pertains to illegal termination of the services.

2. In brief, the facts are as under.

Union Bank of India is first party. Shri C.T. Rajmene is a workman and second party. First party bank is a Nationalised Bank. Its Regional Office is at Pune. Its Branch Office is at Karmala, Dist. Solapur. Second party employee is residing at Karmala, Dist. Solapur.

3. Shri V. D. Haribhakth was the Branch Manager of Karmala Branch. He advised second party employee to perform the duties of the clerk w.e.f. 11-7-2001 at Karmala Branch. To issue tokens for payments, posting of withdrawal slips, cheques, vouchers in Ledgers/Books of Accounts, to maintain General Ledger, to maintain Receipt Scroll- Payment Scroll, to prepare Day Book, to prepare D.C.B. Statements, etc. were the duties assigned to second party workmen. Accordingly second party workmen discharged the duties and worked in Karmala Branch from 11-7-2001 to 15-9-2002. Second party workman was not paid salary or wages during this period. On enquiry about the payment of wages, Shri Haribhakth, Branch Manager of Karmala Branch told second party employee that permission from higher authorities of the bank at Pune will have to be obtained for making the payment of wages and for issuing the appointment order as a Clerk on permanent basis to the second party employee. Rs. 2500/- were paid by second party employee to Branch Manager Shri Haribhakth for carrying out the said work as per his demand. Branch Manager Shri Haribhakth terminated the services of the second party employee and restrained him from attending the duty from 15-9-2002.

4. Second party employee had continuously worked for 14 months from 11-7-2001 to 15-9-2002. Services of the second party workman were illegally terminated by not following specific provision of Section 25F of I.D. Act, 1947. Second party workman requested the Chairman and Managing Director of the Bank to give him justice, but no heed was paid to such request of second party workman. Second party workman is entitled for reinstatement with continuity of service and full back wages.

Second party workman raised dispute before Assistant Labour Commissioner, Pune about his illegal termination. Settlement could not arrive at, during conciliation, in office of Labour Commissioner. So, the present reference is made to this Tribunal.

5. Second party workman filed Statement of Claim

and pleaded the above mentioned facts and sought the relief of reinstatement with continuity of service and full back wages along with other consequential reliefs.

6. First party bank filed written statement. It is denied that second party workman discharged the duties and actually worked in Karmala Branch as per the advice of Branch Manager Shri Haribhakth from 11-7-2001 to 15-9-2002. It is contended that second party workman is not at all workman of the bank. It is also contended that the procedure for making recruitment of the clerks was not followed in case of second party employee. It is contended that there was no such vacant post and the procedure of recruitment including written test, interview, etc. was not followed. It is also contended that there was no medical examination of second party employee and he was not duly selected and appointed for the post of Clerk as alleged by him. It is contended that the name of second party employee was never entered in master roll or wage register or salary sheet. It is further contended that on casual basis, only for some time, second party employee did the work such as cleaning the premises in the bank as per the instructions of Branch Manager Shri Haribhakth. It is denied that Shri Haribhakth demanded Rs. 2500/- from second party workman for getting the permission to pay the salary and to make second party workman permanent in the post of Clerk at Karmala Branch. So, the first party bank has prayed for the rejection of the claim of the second party employee.

7. From rival pleadings of the parties, the following issues are framed at Ext.O-6.

ISSUES :

1. Is it proved by second party that, he is "workman" as per Section 2(s) of I.D. Act, 1947?
2. Whether the relationship of employer-employee exists between the parties?
3. Whether reference is maintainable?
4. Whether the action of First party in not allowing second party to perform the work of clerical nature in the branch w.e.f. 15-9-2002, is just and legal?
5. Whether the second party is entitled for relief of reinstatement along with continuity of service and full back wages?
6. Whether second party is further entitled for other consequential reliefs as sought?
7. What order?
8. My findings on the above issues for the reasons stated below, are as under :

FINDINGS :

1. Negative.
2. Negative.
3. Negative.
4. Affirmative.
5. Negative.

6. Negative.

7. As per Award.

REASONS

ISSUE NO. 1 TO 7 :

9. The substantial and important point involved in this disputed, is about the status of second party workman. According to first party bank, he is not "workman" as per Section 2(s) of I.D. Act, 1947. On the contrary, it is a case of second party workman that he discharged the duties as per advice of Branch Manager for the period of 14 months and actually worked in Karmala Branch.

10. Second party workman has adduced his oral evidence. He examined the then Branch Manager Shri Haribhakth as well as bank employee Shri Pramod Kulkarni. Evidence of one account holder Shri Santosh Mane is also adduced on behalf of second party employee. It is revealed from oral evidence of account holder Shri Santosh Mane that second party used to work in Karmala Branch. According to him, second party employee used to give services to the customers of the bank. Employee Kulkarni has also stated in his evidence that second party employee used to come in Karmala Branch for doing the work and second party employee used to come for learning. Oral evidence of Branch Manager Haribhakth is not credible since he has made contradictory statement in his evidence. In chief-examination, Shri Haribhakth has stated that he does not remember whether second party employee worked for some time in bank at Karmala. However, in cross-examination, witness Shri Haribhakth has stated that second party employee had come to him and expressed desire to learn banking work and, accordingly, I permitted him to do so. In fact, second party employee has stated in his evidence that he was discharging the duties in Karmala Branch as per advice of Branch Manager Shri Haribhakth. Second party has taken inspection of the record of Karmala Branch for the period for which he was working there. According to second party workman, report of inspection shows handwriting of second party workman in the record of Karmala Branch. However, it is very difficult to accept that handwriting of the record of the Karmala Branch during relevant period, is the actual handwriting of the second party workman. However, above-mentioned oral evidence shows that second party workman did some work in Karmala Branch.

11. Now, let's see whether the above mentioned evidence is sufficient to prove that second party is a workman as per Section 2(s) of I.D. Act. At the outset, I would like to point out that second party employee has filed copy of application vide Ext. U- 8/1. This copy of application was made by second party employee for getting the work in Karmala Branch. It is mentioned in the said application that second party workman came to know that recruitment of temporary and permanent clerks was likely

to be made in Karmala Branch and, accordingly, second party workman was willing to do the work in Karmala Branch. Second party has given the details in the said application to show that he was working in Solapur Rural Bank as temporary employee. Another copy of application dt. 6-1-2003 made by second party employee to President/Chairman of the Bank vide Ext. U- 8/2, clearly shows that in order to give employment, Branch Manager Shri Haribhakth employed second party workman w.e.f. 11-7-2001 in Karmala Branch. At this stage, I would like to point out that first party bank is a Nationalised Bank. It has got its procedure for making recruitment of staff. Procedure of recruitment consists of publishing advertisement, holding written test, holding interview, making selection list, sending for medical examination of selected candidates, etc. Admittedly there was no advertisement for making such recruitment on the part of first party bank when second party workman was alleged to have been given the work by Branch Manager Shri Haribhakth. Second party employee neither appeared for written examination nor for interview before getting the alleged employment in Karmala Branch. There was no selection as such of second party employee for the post of Clerk at the time when he was alleged to have been asked to do the work by the then Branch Manager Shri Haribhakth. Second party workman has not gone through medical examination before actually starting discharging his duty in Karmala Branch. Moreover, there was no vacant post with Karmala Branch which was to be filled in at that time. Thus, in absence of vacant post and in absence of procedure of selection, second party employee appears to have joined Karmala Branch for doing some work as per the advice of the then Branch Manager Shri Haribhakth. In fact, there is no appointment order in writing in favour of second party employee. Terms and conditions of the service of second party employee were not at all fixed and were not reduced in writing. Second party employee never received salary for any month. In such circumstances, I would like to point out Ext. U-8/1, which is the application of the second party for getting employment in Karmala Branch. It is duly mentioned by second party workman that he came to know that recruitment of temporary and permanent employees, was to be made in the bank. Thus, second party workman is quite aware about the recruitment as well as category of temporary and permanent employee. Copy of application of second party workman vide Ext. U-8/2, clearly shows that the then Branch Manager Shri Haribhakth got employed him w.e.f. 11-7-2001 for giving employment to second party workman (शाखा व्यवस्थापक श्री हरिभक्त यानी आपत्या बँकेत नौकरी लावती महणून दि. 11-7-2001 रोजी करमाला शाखेत कामारूर घेतले) The above mentioned evidence clearly shows that second party workman wanted to get employed in the bank through recruitment and started doing some work as per the advice of the then Branch Manager Shri Haribhakth only with the hope that second party workman

would be properly and correctly employed in the bank in near future as per the recruitment. It can be easily said from the above mentioned evidence that second party workman did some work without appointment order and without salary and without going through the procedure of selection only with the hope that his free services or work in the bank as per the advice of the then Branch Manager Shri Haribhakti, would be helpful to him in getting selected for the post of Clerk in the proposed recruitment. It cannot be ignored that there was no recruitment as such for the post of Clerk in Karmala Branch at any time even after alleged joining of work by second party workman with Karmala Branch. It is very difficult to believe that in ordinary course of nature, anybody would work for 14 months without asking and getting any salary. It is also not believable that anybody would work without any appointment order and in absence of terms and conditions of service. It is not possible to accept that anybody would get the status of a workman in absence of his selection for particular post through prescribed procedure. Definition of workman as given under Section 2(s) of I.D. Act, clearly shows that person ought to have been employed to do the work for hire or reward. In the present matter, there is no authentic and trustworthy evidence to show that second party workman was actually employed as per the legal procedure of selection to do the work. Moreover, there is absolutely no evidence on record to show that second party employee was employed to do the work for hire or reward. Sometimes terms of employment may be express or implied. Thus, in the present matter, the above mentioned evidence is not sufficient and sound enough to show that the second party workman is a "workman" as per Section 2(s) of I.D. Act. I reiterate that whatever some work which second party workman might have done in Karmala Branch it was only with the hope that second party workman would get selected in the proposed recruitment on the basis of such work experience. A part from this, I would like to point out that there is nothing on record to show that Branch Manager is authorised to give such employment on the post of Clerk. It cannot be ignored that first party bank is a Nationalised Bank and Branch Manager cannot make recruitment as per his desire on any post.

12. Taking into consideration the above discussion, I am of the opinion that second party workman has failed to prove his status as workman under Section 2(s) of I.D. Act, 1947. Thus, it cannot be said from the evidence on record that there was relationship of employer-employee between the parties. In such circumstances, the question of continuous work of 240 days as alleged by second party workman with Karmala Branch, is not helpful to second party workman for getting the reliefs.

On behalf of second party workman, following case laws are referred:

1. 1998(78)FLR 404(SC) Pg. 436
2. 1998 LIC (Raj. H.C) Pg. 225
3. 1999 LIC 1804 (J. & K. H. C.) Pg. 227
4. 1999 (83) FLR 224 (Raj. H.C) Pg. 227
5. 1999 (2) LLN 288 (Mad. H.C) Pg. 228

6. 1999 II LLJ 158 (Guj. H. C.) Pg. 228
7. 1999 LIC 97 (Raj. H. C) Pg. 229
8. 2000(3) LLN 724 (Guj. H. C.) Pg. 205
9. 2002(95) FLR 582 (M.P.H.C) Pg. 280
10. 2002 III LLJ 984 (Ker. H.C.) Pg. 280
11. 2002 III LLJ 210 (Punjab & Haryana H.C.) Pg. 280
12. 2002 III CLR 167 (Guj. H.C.) Pgs. 185 & 286
13. 2005 (6) Bom. C.R. 221
14. 2006 (2) Bom. C.R. 865.

Principles laid down in all above mentioned case laws are on the point of continuous service for 240 days in a year. Since second party failed to prove status as a workman principles laid down in all these case laws are not helpful to him. In fact case laws mentioned on behalf of second party employee with notes of written argument on the point of continuous service of 240 days, are not helpful to second party workman, to substantiate his claim in this matter. On the contrary, case laws mainly Umadevi case and Ashwani Kumar Case referred by first party bank, clearly show that "Back-door entry" is prohibited in Government service. It cannot be ignored that the alleged case made out by the second party workman in respect of his employment with Karmala Branch, would come within the ambit of "Back door entry" and it is prohibited as per the principles laid down by Hon'ble Apex Court in above-mentioned case laws. Thus, second party is not workman as per Section 2(s) of I.D. Act, 1947 and there is no relationship of employer-employee between the parties and the present reference is not maintainable for that reason. In fact, action of first party bank in not allowing second party to perform the work of clerical in Karmala Branch w.e.f. 15-9-2002, is just and legal.

13. Taking into consideration the above discussion, I have no hesitation to come to the conclusion that second party workman has failed to substantiate and prove his claim as made out in this reference. Thus, second party workman is not entitled for any of the reliefs. So, I answer Issue Nos. 1 to 7 accordingly :

14. In the result, I reject the reference and pass the following Award:

AWARD

1. Reference (IT) No. 66 of 2004 stands rejected.
2. Second party has failed to prove and substantiate his claim.
3. As second party is not workman as per provisions of Section 2(s) of I.D. Act, 1947 and relationship of employer-employee does not exist between the parties, reference is not maintainable.
4. Action of first party bank in not allowing second party workman to perform the work of clerical nature in Karmala Branch w.e.f. 15-9-2002, is legal and just.
5. Second party workman is not entitled for any of the reliefs.
6. Award be prepared accordingly.

Pune,
Date: 5-7-2008

S.M. KOLHE, Industrial Tribunal

नई दिल्ली, 21 जुलाई, 2008

का. आ. 2286.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सिण्डैकेट बैंक के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, नई दिल्ली, के पंचाट (संदर्भ सं. 04/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-07-2008 प्राप्त हुआ था।

[सं. एल-12011/102/2005-आईआर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2286.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 4/2006) of Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi, as shown in the Annexure, in the industrial dispute between the management of Syndicate Bank, and their workmen, received by the Central Government on 21-07-2008.

[No. L-12011/102/2005-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

I. D. No. 04/2006

Presiding Officer : R. N. Rai

In the Matter of :

Shri Raju, S/o. Late Sh. Lila Ram,
R/o. D-3/140, Sultanpuri,
New Delhi-110041.
C/o. Hindustan Engineering and General Mazdoor Union,
C-49, New Moti Nagar,
New Delhi.

Versus

1. The General Manager,
Syndicate Bank,
6, Bhagwan Dass Road,
Zonal Office, New Delhi.
2. The Manager,
Syndicate Bank,
Super Bazar, Cannought Circus,
New Delhi-110001.

AWARD

The Ministry of Labour by its letter No. L-12011/102/2005-IR(B-II) Central Government dated 5-1-2006 has referred the following point for adjudication. The point runs as hereunder:

“Whether it is a fact that Shri Raju, S/o. Late Sh. Lila Ram was engaged by the management of Syndicate

Bank as a temporary part-time Safai Karamchari during the period from 1990 to June, 2002? If so, whether the action of the management in terminating him from service w.e.f. 8-6-2002 without following the provisions of Section 25 F, G & H of the I.D. Act, 1947 is legal and justified and what relief is the disputant concerned entitled to.”

The case of the workman is that he was appointed by the management of Syndicate Bank, Cannought Circus, New Delhi and he was working with the management on the post of temporary part-time sweeper since 1990 and his last drawn salary was Rs. 550 per month.

That the management was not providing him legal facilities. When the workman demanded benefits under the industrial law, the management terminated his services illegally and arbitrarily. The management has violated section 25 F, G & H of the I.D. Act, 1947 as Sh. Ranvir junior to him has been made permanent.

The case of the management is that the workman was engaged on daily wages basis as per need of the work. He was not engaged against any permanent vacancy but purely on adhoc basis by the branch.

That the Regional Office prepares the list of part-time sweepers for filling the vacancies. As per the government guidelines the name of this workman does not appear in the panel prepared by the Regional Office. The workman performed some casual duties and he was paid mutually agreed amount for the number of days he worked in the branch.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard the workman. Management did not turn up despite several dates given for argument.

It was submitted from the side of the workman that he worked as part time sweeper from 1990 to 2002. His services were arbitrarily terminated and Sh. Ranvir junior to him has been retained.

The case of the management is that panel of temporary sweepers is prepared by Regional Office. The list of part time sweepers has been filed. The workman was given specific engagement for few days and payment to him was made as general charges.

From perusal of the vouchers it appears that the bank has made payment to the workman as general charges for definite working days. The workman has not filed any document to show that payment to him has been made on monthly basis. In all the vouchers it has been specifically mentioned as payments of general charges. The workman has been paid Rs. 300. He has not filed any document to show that he has been paid Rs. 550 and payment to him was made on monthly basis.

The workman in his cross-examination has stated as under:

"That he saw his name in the year 1994 on the panel of badly part time sweeper and his name continued up to 2002. The workman has further stated that he could not show any proof that his name was there in the panel."

The workman has also admitted that the Zonal Office of the management makes all the appointments of the employees of the bank and no one else is empowered to make appointments.

Thus, the workman has admitted that appointment is made by the Zonal Office. List of part time sweeper is also prepared by the Zonal Office. The name of this workman does not appear in the list of temporary employees filed by the management.

MW 1/2 is the list of part time sweepers. The workman has admitted that his name does not appear in the list.

From perusal of the documents it becomes quite obvious that the workman has discharged duties in the year 1992, 1993, 1994, 1995, 1996 and 1997 and payment has been made to him as general charges.

It has been held in (2007) 9 Supreme Court Cases 353 as under:

"Labour Law-Industrial Disputes Act, 1947- S.25-F Relief to be given for violation of- Grant of compensation instead of reinstatement with full back wages - When warranted—Workman appointed as daily wager, working for only a short period, raising industrial dispute almost six years after dismissal, and there being question as to whether his appointment had been made in terms of the statutory rules in the first place—Held, relief of reinstatement with full back wages would not be granted automatically only because it would be lawful to do so—Several factors have to be considered, two of them being as to whether appointment in question had been made in terms of the statutory rules, and the delay in raising the industrial dispute - In present case, keeping in view the nature and period of services, and the delay in raising the industrial dispute, award of reinstatement with back wages substituted by compensation of Rs. 75, 000."

The Hon'ble Supreme Court has held that in case appointment has not been made against vacant post and as per rules only compensation should be awarded by the Tribunals.

In the instant case the workman's name does not figure in the panel of temporary sweepers. He has admitted that he has no proof to show that his name appeared in the panel of temporary sweepers prepared by the Zonal Office but the workman has rendered services as per photocopy vouchers annexed with the record. He is entitled to a compensation of Rs. 50,000 (Rs. Fifty Thousand Only) as he has been retrenched in violation of Section 25 F of the ID Act, 1947.

The reference is replied thus:

It is a fact that Shri Raju, S/o. Late Sh. Lila Ram was engaged by the management of Syndicate Bank as a

temporary part-time Safai Karamchari during the period from 1990 to June, 1997 but the workman is not entitled to reinstatement. He is entitled to only compensation of Rs.50,000 by way of retrenchment compensation within two months from the date of the publication of the award.

The award is given accordingly.

Dated : 14-7-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 21 जुलाई, 2008

का. आ. 2287.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सिण्डीकेट बैंक के प्रबंधतंत्र के संबंद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 11, नई दिल्ली, के पंचाय (संदर्भ सं. 61/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-2008 प्राप्त हुआ था।

[फा.सं. एल-12012/61/2002-आईआर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2287.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 61/2002) of Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi, as shown in the Annexure, in the industrial dispute between the management of Syndicate Bank, and their workmen, received by the Central Government on 21-7-2008.

[F.No. L-12012/61/2002-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT II, NEW DELHI

Presiding Officer : R. N. Rai

I.D. No. 61/2002

In the matter of :

Shri Din Dayal,
R/o. H.No.2464,
Bagchi Raghunath,
Opp. Sadar Thana,
Delhi - 110006.

VERSUS

The Assistant General Manager,
Syndicate Bank,
Sarojini House,
6, Bhagwan Dass Road,
New Delhi - 110001.

AWARD

The Ministry of Labour by its letter No. L-12012/61/2002-IR(B-II) Central Government Dated 30-7-2002 has referred the following point for adjudication.

The point runs as hereunder : —

“Whether the action of the management of Syndicate Bank in treating Sh. Din Dayal as voluntarily retired w.e.f. 17-10-1994 is just, fair and legal? If not, what relief the workman is entitled to?”

The case of the workman is that in the first week of June, 1997 he suffered an attack of lumgago severe backache. He was totally confined to bed w.e.f. June, 1993, so he was unable to attend his duties. The workman went on writing letters to the management informing them about the disease and his inability to attend office through UPC.

That in April, 1995 the workman again wrote letter to the respondent/bank that he would join duty within next month or two months and he would furnish formal leave application along with certificate of joining.

The workman recovered from his illness in the month of August, 1995 and he reached Delhi on 20th August, 1995. The workman reported for duty on 29th August, 1995 and applied for regularization of his leave for the period of illness from 13-6-1994 to 28-8-1995 and he submitted relevant medical certificate. He was not allowed to join duty.

The voluntarily retirement of the workman w.e.f. 17-10-1993 is absolutely unjustified, unfair and illegal.

The case of the management is that the workman was in the habit of remaining absent unauthorisedly frequently without following the rules. He was served charge-sheet three times and he was awarded punishment of warning on all the occasions. He was absent unauthorisedly for more than 90 days. He was issued notice on 17-9-1994 calling upon him to report to duty within 30 days after notice. It was sent to the workman by registered post on his last known address.

The workman did not respond to the final notice. He was treated voluntarily retired from service of the bank w.e.f. 17-9-1994 and he was informed accordingly by letter dated 13-10-1995 to the last known address.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he suffered from severe backache. He was confined to bed and he went on sending letters for medical leave but the workman was not informed regarding the fate of his applications.

It was submitted from the side of the management

that the workman did not send any letter. The photocopy UPC is forged. Even it is assumed that the workman suffered from backache he was in a position to report for duty.

The workman has admitted in his cross-examination that he furnished address to the bank as A - 2/352, Nand Nagri, Delhi. He has conveyed his changed address through UPC to the bank on the date he left his aforesaid residence at the instance of House Owner. He left the above address on 11-6-1994.

He has further stated that he has furnished the changed address during the year 1993. He has also stated that he furnished his changed address during the year 1993.

The workman has taken the case that he conveyed his changed address through UPC and again he has taken the changed address in the year 1993 but he has stated that he did not give it to any officer of the bank. At one place he states that he furnished his address on 13-4-1994 through UPC and at another place he states that he gave applications in writing regarding change of his address in the year 1993.

This workman has also admitted that he did not send medical certificate along with letter dated 20-6-1994. He did not get his leave sanctioned. He has further admitted that he sent the medical certificate dated 19-7-1995 on 01-9-1995 which was sent by Regd. AD but he did not have the original postal receipt through which he sent the medical certificate dated 19-7-1995.

From perusal of the cross examination of the workman it becomes quite obvious that he has not given any proof of his changed address, so the management was duty bound to send notice on the address in the record.

The workman has filed photocopy of his application sent through UPC. He has not annexed even the original of the UPC receipt. On the photocopy the date is not clear so the UPCs appear to be forged. He should have filed the original receipts to verify the seal but the workman has not done so. Admittedly he was absent from 13-6-1994 to 28-8-1995 for near about one year without sanctioned leave.

It has been held in 2001 LLJ as under:

“Termination of Services - Employee of Bank - for unauthorized absence from duty - Employee defaulted in not offering explanation for unauthorized absence from duty nor placed any material to prove the reported for duty within 30 days of notice as required in terms of Bipartite Settlement —High Court proceeded on erroneous basis of non compliance with principles of natural justice - There was agreement between parties as to manner in which situation should be dealt with and consequences that would follow—High Court’s order set aside.”

In the circumstances the bank was justified in treating him as voluntarily retired w.e.f. 17-10-1994 in view of his long absence and unauthorized absence on previous three occasions.

The reference is replied thus :—

The action of the management of Syndicate Bank in

treating Sh. Din Dayal as voluntarily retired w.e.f. 17-10-1994 is just, fair and legal. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date: 10-07-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 21 जुलाई, 2008

का. आ. 2288.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार द्वारा यूनियन बैंक ऑफ इण्डिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम व्यायालय नं.-II, नई दिल्ली, के पंचाट (संदर्भ सं. 43/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-2008 को प्राप्त हुआ था।

[फा.सं. एल-12012/10/2002-आईआर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2288.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 43/2002 (of Central Government Industrial Tribunal-cum-Labour Court No. II New Delhi, as shown in the Annexure, in the Industrial dispute between the management of Union Bank of India, and their workmen, received by the Central Government on 21-7-2008.

[F.No. L-12012/10/2002-IR(B-II)]

RAJINDER KUMAR, Desk Officer
ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II, NEW DELHI

Case No. I. D. 43/2002

Presiding Officer : R.N. RAI.

In the matter of:

Shri Sanjay Kumar,
S/o, Sh. Raja Ram,
R/o. Line par in front of Mata Mandir,
Shivaji Nagar, Gali No.3,
Moradabad (UP) - 244001.

VERSUS

The Chief Manager,
Union Bank of India,
Begum Bridge Road,
Meerut (UP) - 250 001.

AWARD

The Ministry of Labour by its letter No. L-12012/10/2002 IR(B-II) Central Government dated 17-06-2002 has referred the following point for adjudication.

The point runs as hereunder :

“Whether the action of Union Bank of India in terminating the services of Sh. Sanjay Kumar, S/o. Sh. Raja Ram w.e.f. 18th August, 2000 is just,

fair and legal? If not, what relief he is entitled to.”

The case of the workman is that he was engaged as part-time sweeper against a permanent vacancy on regular basis at Extension Counter Pital Basti, Moradabad during the year 1996 - 1997 but he was terminated from the service of the bank thereafter without any notice and without any reason. He was engaged on 1-1-1996 to 27-11-1996 to work for four hours per day. He was paid wages @ Rs. 20 per day and Rs. 40 for full day working. He continuously worked for more than 240 days.

The case of the management is that the workman was not engaged on continuous basis. He was engaged on contract basis as and when required and certificate has been issued to him accordingly. It is wrong to ascertain that the workman has worked continuously from January, 1996 to November, 1996 for 240 days continuously against a permanent vacancy. He has not worked continuously for 240 days.

The workman has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

The workman has filed chart of his working days paper No. 14. It is in the handwriting of the workman. It does not bear any seal and signature of the workman. The bank in the certificate dated 15-3-1998 has not mentioned any working day of the workman WW1 is photocopy in the handwriting of the workman. It does not bear any seal and signature so it cannot be said that the workman has worked for more than 240 days as stated in WW1.

The workman has stated in his cross examination that he was not given any appointment letter by the bank. He was called by the bank officials from his house in the year 1999. His father was in the bank and he was called through him. He has also admitted that he was never entrusted duties of sub-staff as stated by him. He has also admitted that he was made payment for the work he performed. He has also stated that the bills of his working days are signed only by him and not by the bank authorities.

The workman in the instant case has filed the bills of his working days in his own handwriting. He has not filed any document to prove working of 240 days. He has stated in his cross-examination that he was called in the year 1999 whereas in the claim the period is January, 1996, so the workman himself is not certain as to for how many days and in which year he has worked continuously. He has filed no cogent documentary evidence in support of his working days.

It cannot be held that the workman has worked for more than 240 days on the basis of assertion of his affidavit as affidavits are self serving.

The workman has failed to prove the averments of his claim statement and his working days. He is not entitled to get any relief as prayed for.

The reference is replied thus :

The action of Union Bank of India in terminating the services of Sh. Sanjay Kumar, S/o. Sh. Raja Ram w.e.f. 18th August, 2000 is just, fair and legal. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date: 16-7-2008

R.N. RAI, Presiding Officer

नई दिल्ली, 21 जुलाई, 2008

का. आ. 2289.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार द्वारा पंजाब नेशनल बैंक के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्राम न्यायालय नं.-II, नई दिल्ली, के पंचाय (संदर्भ सं. 153/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-2008 को प्राप्त हुआ था।

[सं. एल-12012/303/94-आईआर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2289.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 153/1997 of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi, as shown in the Annexure, in the Industrial dispute between the employers relation to the management of Punjab National Bank, and their workmen, which was received by the Central Government on 21-7-2008.

[No. L-12012/303/94-IR(B-II)]

RAJINDER KUMAR, Desk Officer
ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Case No. I. D. 153/1997

Presiding Officer: R. N. RAI

In the matter of:

Sh. Rakesh Kumar,
Through the General Secretary,
PNB Workers Organisation,
898, Nai Sarak, Chandni Chowk,
Delhi-110006.

VERSUS

The Regional Manager,
Punjab National Bank,
Antriksh Bhawan,
Tolstoy Marg, New Delhi - 110001.

AWARD

The Ministry of Labour by its letter No. L-12012/303/94-IR (B-II) Central Government Date 30-9-1997 has referred the following point for adjudication.

The point runs as hereunder :

“Whether the action of the management of the Punjab National Bank, New Delhi in awarding

punishment of stoppage of two increments with cumulative effect on Shri Rakesh Kumar is legal and justified? If not, to what relief the said workman is entitled?”

It is the case of the claimant that Shri Rakesh Kumar is a bona fide member of this Union. Shri Rakesh Kumar was posted at B.O. Rana Partap Bagh in the year 1991.

That on 12-5-91 the whole workmen staff numbering 32 of the R.P. Bagh branch went on strike against the rude and humiliating behavior of the Managerial staff.

That out of 32 staff members only 2 staff members belonged to this Union and one to another Union i.e. PNB Karamchari Union.

To teach the lesson to minority Unions Management Charge sheeted Shri Rakesh Kumar and suspended PNB Karamchari Union employee.

Shri Rakesh Kumar was charge-sheeted on 15-5-91 by the Sr. Manager who was no competent to issue the charge-sheet as per para 10.12 of the 1st Bipartite Settlement substituted by para 3(b) of 3rd Bipartite Settlement of 1979 and also the Bank's Personnel Division circular No. 1012 dated 13-4-87 (copy enclosed).

As per Bank's circular referred to above MMG-II and MMG-III are also authorized to take discriminatory action against the member of staff by them for minor misconduct and not for gross mis conduct.

In extreme cases MMG-II and MMG-III can also serve the charge sheet but post facts approval of the competent authority is a must.

That during the Enquiry proceedings post facts approval was demanded but was not provided meaning thereby that no approval was ever taken.

During the enquiry proceeding it was brought to the notice of the E.O., that the issuance of charge sheet by an incompetent authority vitiates the enquiry as has been held by Supreme Court of India in Steel Authority of India Vs. Labour Court and another vide Civil Appeal No. 1682 (L) of 1978 dated 23rd July, 1980 had no effect upon the Management.

There was an inordinate delay in initiating the enquiry proceeding as the charge-sheet was issued on 15-5-1991 enquiry commenced on 19-11-92 more than after 1½ years without explaining the inordinate delay.

It was also brought to the notice of the E.O. and Supreme Court of India ruling was quoted but to no effect. Hon'ble Supreme Court of India in Civil appeal No. 3045 and 3046/1988 dated 5-4-90 in the case of State of Madhya Pradesh Vs. Bani Singh and another upheld the decision of the Tribunal quashed the charge memo and the departmental enquiry on the ground of inordinate delay (copies enclosed).

The entire enquiry proceedings were biased and one-sided with a view to teach a lesson to the employees who dared to voice against the ill-behaviour of the branch authorities.

A charge was levelled against Shri Rakesh Kumar that Shri Rakesh instigated the staff members to go on strike. All the staff members of the Branch Numbering 32

gave in writing that they went on strike on their own against the ill-behaviour of the Officers staff but E.O. proved the charge against Shri Rakesh Kumar of instigating the staff members (copy enclosed).

Only those officers were brought in the Enquiry against whom the staff members went on strike. Even those workmen staff members who were brought from other branches to work in place of striking employees were not called in the inquiry.

No untoward incident even took place except peaceful strike action against the ill-behaviour of the Officers staff.

The Regional Manager penalized the workman by stoppage of two increments with cumulative effect and withheld the wages of the suspension period.

The Appellate Authority also without applying his own mind rejected the appeal.

It is therefore, prayed that this Hon'ble Tribunal may be kind enough to determine the reference in favour of the workman and issue the following directions:

- The punishment of stoppage of two increments with cumulative effect be withdrawn by the Bank.
- The salary of suspension period be released.
- Any other relief which this Hon'ble Tribunal may deem fit and proper alongwith suitable costs.

In reply to claim management stated that on 12-5-91 Shri Rakesh Kumar while on duty was found sitting in the basement alongwith some of the other staff members in a group and was holding meeting with them at about 9.50 AM when they were asked by the Manager to go to their seats Shri Rakesh Kumar alongwith Shri Ram Niwas Sharma, Peon started shouting in the hall and directing the other staff members to leave their seats and walk out of the branch and thus instigated the other staff members to participate in the illegal strike thereafter, when Shri S.K. Vohra, Officer and two clerks of B.O. Shakti Nagar came to the branch at about 10.40 AM in order to ensure the smooth functioning of the branch, he alongwith Shri Ram Niwas Sharma prevented their entry at the gate of the branch and blocked the entire passage when Sh. Vohra asked him to allow him to enter the branch Shri Rakesh Kumar refused to allow him to enter the branch and used abusive language against him. Thereafter, he alongwith Shri Ram Niwas Sharma manhandled Shri Vohra and tore of his shirt and also flung his spectacles while attempting to hitting. Shri Rakesh Kumar was issued a charge sheet dated 15-5-91 (copy enclosed) to this effect. The departmental enquiry was constituted and the Enquiry Officer in his findings dated 30-9-94 held as under :

- The allegation that Shri Rakesh Kumar participated in the meeting during the office hours has not been established.
- The allegation/ charge that Shri Rakesh Kumar instigated the staff stands established.
- The charge/ allegation that he misbehaved with Shri S.K. Vohra and used abusive/threatening language and further manhandling him stands proved.

- The charge that he resorted to indecent and disorderly behaviour stands proved.

After considering the aforesaid findings of the E.O. alongwith the entire record of the case Shri Rakesh Kumar was finally awarded the punishment i.e. stoppage of two increments with cumulative effect vide Disciplinary Authority's orders dated 15-11-94 the same punishment was also awarded to Shri Ram Niwas Sharma against whom also the charges were proved during the enquiry. Shri Rakesh Kumar filed an appeal against the aforesaid orders of the Disciplinary Authority which was rejected by the Appellate Authority vide orders dated 28-3-95.

It is correct that Shri Rakesh Kumar was posted at B.O. R.P. Bagh in the year, 1991.

The contents of this para as stated are incorrect. It is reiterated that on 12-5-91 Shri Rakesh Kumar alongwith Shri Ram Niwas Sharma, peon shouted and directed the other staff members to leave their seats and walk out of the branch and thus instigated the other staff members to participate in illegal strike also Shri Rakesh Kumar manhandled and used abusive language to Shri S.K. Vohra, Officer.

It is submitted that the disciplinary action against erring employees is taken keeping in view the individual facts and circumstances of the case which has no relation with the membership affiliation of the employees to their union.

The contention of the union that the Sr. Manager was not competent to issue the charge sheet dated 15-5-91 is totally incorrect as the bank's PD Cir. No. 1012 dated 13-4-87 has been issued by the Competent Authority conferring powers on the Incumbent Incharge to issue charge sheet to workmen employees working under them. Para -2(i) of the aforesaid circular is quite clear on this aspect.

The submissions made in this para are not tenable as nowhere it has been proved shown that the delay in the initiation of enquiry in the matter has in any way prejudiced the case of the charge sheeted employee i.e. Shri Rakesh Kumar.

It may be stated that the judgement of the Hon'ble Supreme Court quoted in para 1 of the claim does not apply to the facts and circumstances of the present case as there has been no delay in taking action against Shri Rakesh Kumar.

The contents of para 10 are denied in to it is submitted that the issue of fairness of enquiry be decided first by this Hon'ble Court.

It is incorrect that there was any ill behavior on part of the officer staff. The enquiry report is quite clear and the enquiry officer has dealt with the allegations that Shri Rakesh Kumar instigated the staff members to participate in the illegal strike and also took part in it, at length. The management witness Shri G.B. Singh has deposed during enquiry that Shri Rakesh Kumar was asking some of the employees to go out from the office and that most of the staff members went out of the branch. The defence representative did not cross examine Shri G.B. Singh on the point of instigating other employees by Shri Rakesh

Kumar. The fact that the defence representative declined to cross examine the management witness during the enquiry goes to show that the evidence put forth by the bank was confirmed and was cognizable. The charges against Shri Rakesh Kumar have been amply proved and the enquiry report is quite clear on the same. The enquiry Officer has dealt with each allegation separately and based on the documentary and oral evidence has submitted his report. It is submitted that the charge against Shri Rakesh Kumar for committing the acts of riotous, disorderly and indecent behaviour in the premises of the bank, insulting officials of the bank, manhandling them, instigating the other employees to go on illegal strike and also taking part in it which are prejudicial to the interest of the bank as these acts have not only jeopardized the customer service but also brought disrepute to the bank stood proved and based on the enquiry record, punishment of 'Stoppage of two increments with cumulative effect was ordered by the Disciplinary Authority.

Para 14 of the claim is totally incorrect. Shri S.K. Vohra who was called from B.O. Shakti Nagar to work at B.O. R.P. Bagh on 12-5-91 was manhandled by Shri Rakesh Kumar i.e. the claimant and also the claimant used abusive language against Shri Vohra. Shri S.K. Vohra appeared in the enquiry and deposed before the Enquiry Officer. It cannot be claimed by the union that only those officers were brought in the enquiry against which the staff members went on strike. Shri S.K. Vohra with whom Shri Rakesh Kumar i.e. the applicant had misbehaved was called from another branch to work at B.O. R. P. Bagh in view of the illegal strike instigated by the applicant at B.O. R.P. Bagh.

The entire matter has been stated in brief facts above. The staff members of B.O. R. P. Singh went on illegal strike which was not peaceful. The applicant alongwith Shri Ram Niwas Sharma prevented entry to the other staff members who were called from B.O. Shakti Nagar to work at B.O. R.P. Singh and also used abusive language and manhandled Shri S.K. Vohra.

The decision of the Disciplinary Authority was taken on the basis of the enquiry record placed before him. The misconduct on part of the applicant was established beyond doubt during the enquiry and the same warranted punishment.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he was charge-sheeted on 15-05-1991 by the Sr. Manager. He was not competent to issue charge-sheet in view of Para 10.12 of the first BPS. No post facto approval was demanded. The inquiry stands vitiated as an in-competent authority has served the chargesheet.

It was further submitted that there was extra-ordinary delay. Inquiry commenced after one and half year. It was

further submitted that the Inquiry Officer was biased and one sided. All the staff members gave in writing that they went on strike on their own against ill behavior of the office staff but still the Inquiry Officer proved the charges against Sh. Rakesh Kumar of instigating the staff members. The DA & AA also acted with closed mind. Principles of natural justice have not been followed.

It was submitted from the side of the management that the Sr. Manager was competent to issue charge-sheet as the PDCIS 1012 dated 13-6-1987 has been issued by the competent authority conferring powers on the incumbent incharge to issue charge-sheet on the employees working under them. There is no doubt delay of one and half years but the delay has not prejudiced the workman.

The Inquiry Officer has afforded opportunity to the workman to cross-examine all the witnesses and the workman has cross-examined all the witnesses. The workman was offered opportunity to adduce defence evidence. A copy of the inquiry report were made to the workman two days prior to making representation to the proposed punishment. The inquiry has been conducted according to the principles of natural justice.

The incumbent incharge of the office has been empowered to serve charges on the defaulting workman and to suspend them by letter dated 13-4-1987, so the charge-sheet has been issued by the competent authority.

From perusal of the inquiry proceedings it becomes that the witness Sh. J.B. Singh stated that Sh. Rakesh Kumar instigated all the staff members to go out of branch. The DR did not cross-examine the witness on this point.

The charges against the workman were for committing acts of riotous dis-orderly and indecent behavior in the premises of the bank instigating officer of the bank, mis-handling them, instigating the other employees to go on strike. It also becomes quite vivid from the perusal of the inquiry proceedings that Sh. S.K. Vohra was called from BO: Shaktinagar to work at BO: R.P. Bagh on 12-5-1991. He was man-handled by Sh. Rakesh Kumar. He used abusive language against Sh. Vohra. Sh. Vohra has stated in his cross-examination all the valgour abuses hurdled on him. I do not deem it proper to reproduce the abuses hurdled on Sh. Vohra. Sh. Vohra was called from another branch so it cannot be said that he was an interested witness. The workman along with Sh. Ram Niwas Sharma prevented entry to the other staff members who were called from BO: Shaktinagar.

It also becomes quite obvious from perusal of the inquiry proceedings that Sh. Rakesh Kumar man-handled Sh. Vohra. It may be that some officers would not have behaved properly with the employees. In the circumstances it was necessary to issue notice for going on strike for the misbehaviour but this workman instigated all the employees and all the employees stopped working. The entire official work was put at ransom. The Branch was compelled to call other officers from another branch.

From perusal of the inquiry proceedings it becomes quite obvious that the witnesses have been cross-examined by the workman. Two witnesses have deposed against

him. I have perused the findings of the inquiry officer. The Inquiry Officer after proper analysis of evidence has held the charges proved. It is settled law that in a domestic inquiry the strict and sophisticated rules of evidence under the Evidence Act may not apply. All materials which are logically probative for a prudent mind are permissible. There is no allergy to hearsay evidence provided it has reasonable nexus and credibility. The departmental authorities and administrative tribunals must be careful in evaluating such material and should not glibly swallow what is strictly speaking not relevant under the Evidence Act.

The sufficiency of evidence in proof of the finding by a domestic tribunal is beyond scrutiny. Absence of any evidence in support of a finding is certainly available for the court to look into because it amounts to an error of law apparent on the record.

It has been held in 1972 (25) FLR 45 as under:

An industrial Tribunal would not be justified in characterizing the finding recorded in the domestic inquiry as perverse unless it can be shown that such a finding is not supported by any evidence, or is entirely opposed to the whole body of the evidence adduced before it. In a domestic inquiry once a conclusion is deduced from the evidence, it is not permissible to assail that conclusion even though it is possible for some other authority to arrive at a different conclusion on the same evidence.

It has been held in this case that in domestic inquiry evidence of a solitary witness is sufficient to hold the charges proved.

It has been held in 2001 (89) FLR 427 as under:—

It is well settled that a conclusion or a finding of fact arrived at in a disciplinary inquiry can be interfered with by the court only when there is no material for the said conclusion; or that on the materials, the conclusion cannot be that of a reasonable man.

The Sr. Manager is competent to issue charge-sheet. The workman has cross-examined both the witnesses. He has been afforded adequate opportunity to adduce evidence in his defence. He has been supplied the report of the inquiry officer. The DA & AA have considered his representation. The inquiry is fair. No interference is required.

It was submitted that punishment is harsh. The workman committed grave mis-conduct in instigating the employees and man-handling Sh. Vohra and using filthy languages to the officers of the bank without any reason. In the circumstances the punishment of stoppage of two increments cumulatively is legal and justified. The inquiry is fair, proper and valid. No interference is required.

The reference is replied thus:—

The action of the management of Punjab National Bank, New Delhi in awarding punishment of stoppage of two increments with cumulative effect on Sh. Rakesh Kumar is legal and justified. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date: 17-7-2008

R.N. RAI, Presiding Officer

नई दिल्ली, 21 जुलाई, 2008

का. आ. 2290.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मै. इंडियन ओवरसीस बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, नई दिल्ली, के पंचाट (संदर्भ सं. 80/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-2008 को प्राप्त हुआ था।

[सं. एल-12012/339/1997-आई.आर. (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2290.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 80/1998) of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi, as shown in the Annexure, in the Industrial dispute between the management of Indian Overseas Bank, and their workmen, received by the Central Government on 21-7-2008.

[No. L-12012/339/1997-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, II, NEW DELHI

Presiding Officer : R. N. RAI

I. D. No. 80/1998

IN THE MATTER OF:

Shri Shyam Chand (Deceased),
S/o. Sh. Chhuhara Ram,
R/o. B-2, Sujan Singh Park,
Khan Market,
New Delhi.

VERSUS

The Manager,
Indian Overseas Bank,
Regional Office,
2, Rajendra Place,
Rachna Building,
Pusa Road,
New Delhi - 110 005.

AWARD

The Ministry of Labour by its letter No. L-12012/339/97-IR(B-II) Central Government Dtd. 12-03-1998 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of Indian Overseas Bank, New Delhi in terminating Sh. Shyam Chand, Daily Wage Temporary Cleaner w.c.f. 5-2-1997 is legal and justified? If not, to what relief the said workman is entitled and from what date.”

The case of the workman is that he was employed in Indian Overseas Bank as sweeper/messenger in August, 1984 on daily wages and he has been working continuously. He belongs to SC category. He was kept in temporary category by the management and monthly wages were paid to him on vouchers with a view to deprive him of all his service benefits.

That the management on 05-02-1997 terminated the services of the workman illegally with a view to adjust their own candidate.

The case of the management is that the workman's mother Smt. Natu was permanent employee of the bank and services of this workman was utilized on casual basis for the jobs arising temporarily. After his mother's superannuation the workman was engaged with Golf Link Branch but the workman was not engaged continuously from 1984. The letter dated 26-08-1985 is not an appointment letter. The Manager is not an appointing authority.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

The workman is at present deceased and his legal heirs have been brought on the record.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he was working continuously with the bank. His services were dispensed with in order to accommodate some employee of the management. The workman has filed vouchers which are admitted to the management. These vouchers prove that the payment to the workman was made on monthly basis.

The management has issued certificate that the services of Sh. Shyam Chand on daily wages have been taken purely on temporary basis for the last one year. This certificate is dated 26-8-1985. The management has admitted that the workman was working on temporary basis for one year.

The workman has filed vouchers of 1989 and 1996. These vouchers prove that the workman worked continuously with the management at last till 02-11-1996. Thus, the workman worked from 1984 to 1996 for almost 12 years.

It was submitted from the side of the management that the workman was given temporary assignment as and when required. He was not taken as per recruitment rules.

The vouchers and certificate filed by the workman are photocopies no doubt but the same has not been denied by the management. So it becomes quite obvious from perusal of the vouchers and certificates that the workman has worked continuously from 1984 to 1996. He raised the dispute in 1998. The services of the workman has been

terminated illegally and arbitrarily in violation of Section 25 F, G & H of the ID Act, 1947.

The documents establish that the workman worked continuously from 1984 to 1996. The termination of his services after 12 years is absolutely illegal and unjustified. The workman is dead so there is no question of reinstatement.

Smt. Susila Devi, W / o. of the workman has filed application that she is legal wife of the workman. She has filed death certificate of the workman and she has filed affidavit that she is the legal heir of the deceased workman. His services have been terminated illegally in violation of section 25 F, G & H. Smt. Susila Devi his wife is alive.

In view of the long 12 years continuous service the wife of the deceased workman Smt. Susila Devi is entitled to a compensation of Rs. 2,00,000 (Rs. Two Lakh Only).

The reference is replied thus :—

The action of the management of Indian Overseas Bank, New Delhi in terminating Sh. Shyam Chand, Daily Wage Temporary Cleaner w.e.f. 5-2-1997 is neither legal nor justified. The workman Sh. Shyam Chand is dead. His legal heir Smt. Susila Devi is entitled to a compensation of Rs. 2,00,000 (Rs. Two Lakh Only). The management should pay the compensation amount to the legal heir of the deceased workman within two months from the date of the publication of the award.

The award is given accordingly.

Date: 15.07.2008

R. N. RAI, Presiding Officer

नई दिल्ली, 21 जुलाई, 2008

का. आ. 2291.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, नई दिल्ली, के पंचाट (संदर्भ सं. 73/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-2008 को प्राप्त हुआ था।

[फा. सं. एल-12012/114/1995-आई.आर. (सी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 21st July, 2008

S.O. 2291.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 73/1996) of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Allahabad Bank, and their workmen, which was received by the Central Government on 21-7-2008.

[F. No. L-12012/114/1995-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Case No. I. D. 73/1996

Presiding Officer : R.N. RAI

In the matter of:

Shri Qamar Ali Rizvi,
S/o. Sh. Syed Sardar Hussain,
R/o. N - 184, Sector-25, Noida,
Ghaziabad (UP).

VERSUS

The Dy. General Manager,
Allahabad Bank,
Zonal Office,
17, Parliament Street,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-12012/114/95-IR(B-II) Central Government Dated 17-07-1996 has referred the following point for adjudication :

The point runs as hereunder:

“Whether the demand of All India Allahabad Bank Employees’ Association, New Delhi on the management of Allahabad Bank, New Delhi for grant of special allowance to Sh. Qamar Razvi, Electrical Supervisor from 10-09-1990 is justified? If so, to what relief is the said workman entitled.”

The case of the workman is that he was appointed on 10-09-1990 in the bank as Electrical Supervisor. Requisite qualification for the post was Diploma in Electrical Engineering. After appointment the workman learnt that there are provisions for special allowance for the employees working in specialized cadre as electrician working under him were getting special allowances besides A/C Helpers. The workman applied for special allowance several times. A/C Helpers working directly under him are getting Rs. 276 per month + DA etc. The said allowance was enhanced in the 6th BPS w.e.f. November 1992. Special allowances for Electrician and A/C Helpers were subsequently raised in SBI of the individual employee of clerical cadre as Rs. 300. The building situated at 17, Parliament Street, New Delhi is under the supervisory control of the lone electrical supervisor for the purpose of electrical utility and only he is responsible to look after the same. In the banks different categories of employees with special skill and responsibility are given special allowances. The workman is entitled to special allowance since the date of his employment as he was performing additional duties.

The case of the management is that the workman is not entitled to claim anything over and above the terms and conditions contained in his letter of appointment in the services of the bank as also in first BPS dated 19-10-1966 and subsequent BPS governing service conditions.

That special allowance is subject to certain duties/ responsibilities listed in part -I of Appendix - B of the 1st

BPS dated 19-10-1966. The qualification of Diploma in Electrical Engineering will not entitle the workman to special allowance in case there is no reference of special allowance for electrical supervisor. *

That the A/C Helper was posted in building department of the bank, had already passed the long span of his service and has retired recently whereas the workman has joined the bank only in September, 1990. A/C Helper was drawing special allowance in terms of BPS. The total emoluments drawn by A/C Helper may be higher than those drawn by Sh. Rizvi as he was on the verge of retirement.

That the workman accepted voluntarily terms and conditions of his appointment. Therefore, he cannot claim anything beyond the terms and conditions of his appointment of service rules which are applicable to all without exception.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that the applicant was performing work of specialized nature. He too is entitled for special pay particularly when he was required to perform additional duties with specialized skill.

It was submitted that the concerned workman is not entitled to special allowance because of provisions of P - 161 to 163, 324 of the Sastry Award, Clause 5.6 of the 1st BPS.

It was submitted from the side of the management that no extra skill is required for upkeep of electrical system of the said building. The concerned workman is not doing any arduous job which may entitle him to get special allowance. The Electrician and A/C Helpers are getting higher pay because of long length of service and it cannot be counted for claiming special allowance.

The Electrician and A/C Helpers are admittedly member of ward staff in clerical cadre hence their terms and conditions will be governed by provisions of the BPS. The Union has signed the BPS, the workman is its member so he is bound by the provisions of the BPS.

My attention was drawn to 2001 Lab IC 1345, the Hon’ble Supreme Court has remanded the case to the Tribunal as the Tribunal has decided that a particular staff was entitled for special allowance without reference to either BPS or Sastri Award or Desai Award.

It has been held in this case that the workman will be entitled to special allowance only when there is provision in the BPS for special allowance. Special allowance cannot be given until BPS is modified.

It becomes quite obvious from perusal of the BPS that special allowance is given to a particular categories of workmen.

It is admitted to the workman that there is no mention of special allowance for Electrical Supervisor. It has been provided in Appendix B, Chapter Vth, it has been mentioned in this provision that special allowance is not meant for a workman for his duties on routine basis. He is entitled to special allowance for special duties.

From perusal of the BPS it becomes quite obvious that there is no provision for special allowance to the post of Electric Supervisor. This workman was appointed as Electrical Supervisor in the year 1990. All the terms and conditions of his services have been mentioned in the appointment letter. There is no mention of special allowance for his duties. The duty of electrical supervisor is to supervise electrical installations and maintenance of electrical lines. The supervision and maintenance of electrical lines are the normal duties of electrical supervisor. He has not performed any other special duties other than the routine duty of electrical supervisor.

The Hon'ble Supreme Court has held that special allowance can be given if there is provision for the same in the BPS. There is no provision of special allowance for electrical supervisor. Further there is provision that the management may grant special allowance to any category of workman if it is found fit.

It is in the discretion of the management to allow special allowance to any category but the management has not allowed the special allowance to this workman. It is in the discretion of the management to allow special allowance. Courts of law enforce provision and rule in service matters. There is no rule or provision for special allowance to this workman either in Sastry Award or in Desai Award or in BPS, so the discretion is vested in the management for granting special allowance to a category of workman not mentioned in the list of special allowance. This discretion is to be exercised by the management. The Tribunal cannot arrogate in itself of the discretion vested in the management.

It becomes quite obvious from perusal of the record that there is no provision for special allowance to the cadre of this workman. The management may have discretion to allow special allowance. Tribunals cannot change terms and conditions of service and allow special allowance without any provision.

This workman is not entitled to special allowance as there is no provision for the same either in Sastry Award or in Desai Award or in the BPS. The A/C Helper was getting higher wages as he was at the verge of his retirement. He was not subordinate to this workman, so it cannot be said that his subordinate was getting more wages. The workman is not entitled to get special allowance in view of the discussion discussed above.

The reference is replied thus:

The demand of All India Allahabad Bank Employees' Association, New Delhi on the management of Allahabad Bank, New Delhi for grant of special allowance to Sh. Qamar Razvi, Electrical Supervisor from 10-09-1990 is not justified. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date : 18-7-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 22 जुलाई, 2008

का. आ. 2292.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मै. दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय नं.-1, चण्डीगढ़, के पंचाट (संदर्भ सं. 21/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-07-2008 प्राप्त हुआ था।

[सं. एल-40012/104/2005-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 22nd July, 2008

S.O. 2292.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 21/2006 of the Central Government Industrial Tribunal-cum-Labour Court No. I Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Department of Telecom and their workmen, received by the Central Government on 22-7-2008.

[No. I-40012/104/2005-IR(DU)]

SURINDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-I, CHANDIGARH**

Case No. I. D. 21/2006

Smt. Kasturi Devi wife of Shri Mangtu Ram C/o. Shri N.K.Jeet, President, Punjab Telecom Labour Union, 27349, Mohalla Hari Nagar, Lal Singh Basti Road, Bhatinda. Applicant

VERSUS

The General Manager,
Telecom, BSNL, Bharat Nagar,
Bhatinda-Punjab.

... Respondent

APPEARANCES

For the workman: None.

For the management: None.

AWARD

Passed on 16-7-2008

Central Govt. vide notification No I-40012/104/2005-IR (DU) dated 17th May, 2006 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Bharat Sanchar Nigam Ltd. Bhatinda in not granting pension to Smt. Kasturi Devi wife of Shri Mangtu Ram even after the completion of the requisite years of service for grant of pensionary benefits by the department w.e.f. 29-2-04 (date of retirement) is legal and justified? If not to what relief the concerned workman is entitled to and from which date?”

2. No one is present, on behalf of workman. None is also present for the management. Since morning this reference has been called number of times. At 10.45 am, it was ordered to be placed before this Tribunal once again at 2 pm. It is 2.30 now and on repeated calls no one is present, in spite of having of full knowledge of the proceedings of this reference. The reference is as old as referred to this Tribunal in the year 2006. On repeated calls since morning no one is present. Accordingly, the reference is dismissed in default for non-prosecution. Central Government be informed accordingly File to be consigned.

Chandigarh

dated 16-7-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 22 जुलाई, 2008

का. आ. 2293.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भाखड़ा डेम, बीबीएमबी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-I, चंडीगढ़, के पंचाट (संदर्भ सं. 173/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2008 को प्राप्त हुआ था।

[फा.सं. एल-42012/9/1990-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 22nd July, 2008

S.O. 2293.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I73/1990) of Central Government Industrial Tribunal-cum-Labour Court No. I Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Bhakra Dam, BBMB, and their workmen, which was received by the Central Government on 22-07-2008.

[F.No. L-42012/9/1990-IR(DU)]

SURINDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-I, CHANDIGARH

Case No. I. D. 173/1990

The General Secretary, Nangal Bhakra Majdoor Sangh,
Nangal Township 140124

Applicant

VERSUS

The Chief Engineer, Bhakra Dam, B.B.M.B., Nangal
Township, Distt.-Ropar(Pb.)-140124.

Respondent

APPEARANCES

For the workmen:

Shri R.K. Singh

For the management:

Shri Bhagat Singh

AWARD

Passed on 14-7-2008

Central Government vide notification no. 42012/9/90-IR (D. U.), dated 9-11-1990 referred the following industrial dispute for judicial adjudication—

“Whether the action of the Chief Engineer, Bhakra Dam, BBMB, Nangal Township, Distt. Ropar (Pb.) in terminating the services of Sh. Amar Singh, S/o. Sh. Sohan Lal, Daily rated workman in Railway Sub Division, Bhakra Mechanical Division, Nangal w.e.f. 1-5-89 is legal and justified? If not, to what relief the concerned workman is entitled to and from what date?”

The simple reference before this tribunal is whether the services of the workman were terminated on 1-5-89, and whether the order dated 1-5-1989 terminating the services of the workman is justified? I have gone through the pleadings of the parties. The workman alleged in the statement of claim that he was enrolled as skilled Majdoor in the Railway Sub-Division of Bhakra Mechanical Division, w.e.f. 1-4-88 and was continuously employed till 30-4-89. His services were terminated by the management of respondent w.e.f. 1-5-89 illegally. The workman has completed 240 days of work. Before his termination no notice and retrenchment compensation was given to him. Thus, his termination is against the violation of law and he should be reinstated with full back wages in the services of the department.

In his written statement the management of respondent has alleged that notice was given to the workman and retrenchment compensation equivalent to 15 days wages was prepared along with other workman but the workman did not come up for receiving payment. Later on, the workman as per field requirement was called for duty during 11/89 and he remained under employment up to 31-12-1989.

Some dispute regarding seniority has also been raised but that is beyond the reference referred by the Central Government and this tribunal is not obliged to consider the dispute for adjudication.

At the cost of repetition, this Tribunal has to decide whether the services of the workman were terminated from 1-5-89, if yes, its legal consequences. In his cross-examination the workman Amar Singh in line No. 19 has admitted that he worked for 15 days w.e.f. 30-10-1989 when management called him to work. Thus, the contention of the management that the workman worked even after 1-5-89 is admitted by the workman. It is true that subsequently his services were terminated on the ground that he has not reported for duty and the management has filed certain documents to prove that the workman has not reported to duty even after providing him the work. Paper No. 138 is the Public Notice published in “Tribune” on 4-7-1990 regarding the absence of Sri Amar Singh. He was directed through this public notice to resume his duty within 10 days from the date of publication failing which suitable disciplinary action will be taken against him ex parte. Two notices were also said to be given to the workman in the year 1994 on his residential address by registered post.

In my view, all this exercise is beyond reference. I have to confine strictly with the reference that whether the services of the workman were terminated on 1-5-89. From the perusal of the record, it came before this Tribunal that the proceedings took place for termination of the services of the workman on 1-5-1989, but as the workman did not receive the retrenchment compensation he was provided further employment by the management of the respondent. It has been admitted by the workman himself that he worked with the management even after 1-5-89. Thus, there was no termination on 1-5-1989. There may be termination of the workman thereafter, on some other date but that dispute is not referred by the Central Government. As stated earlier that this Tribunal has duty to confine itself with the reference strictly. Accordingly on 1-5-1989 the services of the workman were not terminated. He was provided work and the benefit of the seniority, as is clear from the documents, filed by both of the parties was also given. Accordingly, on the basis of the reference, referred by the Central Government the workman is not entitled for any relief and the reference is disposed off with the direction that the services of the workman were not terminated by the management of the respondent w.e.f. 1-5-89. Central Government be informed. Consign the file.

G K. SHARMA, Presiding Officer

नई दिल्ली, 22 जुलाई, 2008

का. आ. 2294.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार प्रोविडेंट फंड कमीशनर आर्मीनाईजेशन के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. -1, चण्डीगढ़, के पंचाट (संदर्भ सं. 123/1993) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2008 को प्राप्त हुआ था।

[सं. एल-42012/119/1992-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 22nd July, 2008

S.O. 2294.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 123/1993 of the Central Government Industrial Tribunal-cum-Labour Court No. I Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Provident Fund Commissioner Organisation, and their workmen, which was received by the Central Government on 22-7-2008.

[No. L-42012/119/1992-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-1, CHANDIGARH**

Case No. I. D. 123/1993

Sh. Raj Kumar \$/o Shri Mahi Pal Singh,
R/o A-47, N.D.R.I., Karnal,
...Applicant

Versus

The Asstt. Provident Fund Commissioner,
Employee's Provident Fund Organisation,
Sub Regional Office, Haryana,
Q No. 7-8 and 108, Sector 14,
Urban Estate, Karnal-132001
...Respondent

APPEARANCES

For the workman : None
For the management : Sh. B.R. Rattan

AWARD

Passed on 16-7-2008

The Government of India vide Notification L-42012/119/92-IR (DU) dated 30.9.93, referred the following industrial dispute for judicial adjudication :

"Whether the action of the management of Provident Fund Commissioner Organisation at Karnal in terminating the services of Shri Raj Kumar-Peon-cum-Frash w.e.f. 7-9-91 and not given the preference to him over other persons for re-employment in the same capacity, is just, fair and legal? If not, what relief the workman concerned is entitled and from what date?"

As per the pleadings of the workman, the workman joined the services of the management on 10-12-90 as Peon/ Frash and he has been working continuously for, more than 240 days against the said post up to 17-9-91. His services were terminated on 17-9-91 against the provisions of Section 25-F, 25-G and 25-H of the Industrial Disputes Act No notice, no retrenchment compensation equivalent to the 15 days average pay was given to the workman. The juniors to the workman, Shri Randhari, Ramphal, Manu, Mohinder and Jagmal Singh are still in service of the management but the was refused to work with the management which is unfair labour practice. On the basis of above, the workman has prayed for an order for his reinstatement in the service with full back wages along with interest at the rate of 18% per annum and the arrears from the date of accrual to the actual payment.

In the written statement for the management, it is stated that the workman was appointed as a daily waged contingent labourer and he has not worked for 240 days continuously in the preceding year from his termination. A copy of the requisition sent to the Employment Exchange was also attached along with the written statement as Annexure R-1. It was admitted by the management that he was appointed through Employment Exchange but as the daily waged worker. It was denied by the management that his juniors were retained in the service as those persons named in the statement of claim were appointed on the regular basis through the Employment Exchange for different cadre. It is also admitted by the management that after receiving the name of the workman for his appointment as daily waged worker in the department, the department also started the process for his appointment for the post of Peon-cum-Frash on the regular basis and the list containing the name of eligible persons were called from the Employment Exchange. The name of the applicant was not sponsored by the Employment Exchange for the

reasons known to the authority of the Employment Exchange and in spite of best efforts of the department. Thereafter, on request of management, the reason for nonsponsoring the name of workman was given by the Employment Exchange in writing. The name of applicant was, subsequently, sponsored by the Employment Exchange for a different post and the workman was considered for the appointment on regular basis and he was called for the interview. The workman did not appear before the interview, therefore, he could not be considered/appointed. All the letters regarding refusal of sponsoring the name of the workman for his appointment as Peon-cum-Frash and thereafter, sponsoring the name of the workman, subsequently, by the Employment Exchange and the copy of the interview letter given to the workman have been filed by the management. I have also gone through the replication filed by the workman. Both of the parties adduced their respective evidence and were also cross-examined by the respective opponent counsels.

In his cross-examination, the workman has admitted that he was engaged on daily wages as a labour. His attendance used to be marked in attendance register. He was paid on the basis of actual working days. The charges of holidays including Saturdays and Sundays were not paid. Thus, on the admission (of the workman, it is clear that the workman was not appointed through Employment Exchange for the post of Peon/Frash. But as daily waged worker and was paid only for the working days. As admitted, he was not paid for Saturdays and Sundays, National Holidays and for days he has not worked. I have gone through the affidavit of Shri Raj Kumar, the workman carefully. The contention of the management that Shri Raj Kumar was afforded the opportunity for interview as his name was subsequently sponsored by the Employment Exchange and he failed to appear before the interview was in the knowledge of the workman at the time of filing the affidavit. He failed to dispute it in his affidavit that he was not afforded such opportunity. The reason for non-disputing this fact in his affidavit has not also been given during the proceedings before this Tribunal. Moreover, the witness of the management, Shri K.L. Goel has categorically mentioned all the facts regarding the opportunity to the workman to appear for the interview and his failure to appear for the same. The witness of the management has not only mentioned these facts in the affidavit but has filed the documentary evidence along with the affidavit. The copy of the requisition form calling for applicants from Employment Exchange is on record which shows that the requisition was regarding the appointment for labour. The name of Shri Raj Kumar, workman was sponsored by the Employment Exchange from his appointment as daily waged worker and accordingly, he was appointed. Document No. 37 on records shows the nature of appointment of Shri Raj Kumar by which his tenure was extended by the department up to 31-5-94. Again, for regular appointment for the post of Peon the name of suitable persons were requisitioned from the Employment Exchange but the name of Shri Raj Kumar was not sponsored by the Employment Exchange for the regular vacancies and accordingly, he was not considered for the appointment against the regular post. The department asked

the Employment Exchange to requisite the name of Shri Raj Kumar as well but the Employment Exchange vide letter 15-6-91 informed the management that the names of the candidates are sponsored as per seniority and there are no such instructions that the names of already working candidates may be sponsored. Accordingly, the request of department for sponsoring the name of workman was turned down. It shows the sincerity of the management to give the priority to the daily waged workers for their appointment on the regular post but as the Employment Exchange has not sponsored the name of the workman, it could not have been possible for the management to appoint the workman on the regular post. From letter No. 61 and 62, it is clear that the name of Raj Kumar was subsequently sponsored by the Employment Exchange for his appointment for the regular vacancy in the department but as stated by the witness of the management, Shri Raj Kumar did not appear for the interview.

There is no reason to disbelieve this statement of the witness of management that, subsequently, the name of Shri Raj Kumar was sponsored by the Employment Exchange and he was given the opportunity to appear for the interview, but he failed. Shri Raj Kumar after knowing the entire facts from the written statement of the management has not disputed this fact in his affidavit. Accordingly, on the basis of the documents filed by the management and on the ground that the workman has not disputed it in his affidavit, this Tribunal is of the view that the contention of the management that an opportunity for interview was given to the workman is accepted.

It is the workman who has to prove that he has worked for 240 days continuously in the preceding year from the date of his termination. The workman has also to be proved that he was paid by the management for 240 days continuously proceeding to the date of his termination. The workman has casually narrated it in his statement of claim and affidavit without filing any documentary evidence whereas, the management has filed the entire documents to show the nature of appointment, number of working days and modes of payment. As per the statement filed by the management, the workman has only worked for 184 days. If the workman was not satisfied with the statement filed by the management, he should have proved before this Tribunal that he had not only worked for 240 days but he was paid for 240 days continuously for the preceding year from the date of his termination for which he failed. Just a statement in the affidavit will not be sufficient. The workman has to prove by cogent evidence before this Tribunal that he worked and was paid for 240 days in the preceding year from the date of his termination.

The names which have been referred by the workman were appointed by the management against the regular vacancies under the statutory rules applicable to the parties. The appointment of daily waged worker cannot be compared with the appointment against the regular vacancies if the appointment against the regular vacancies have been made following the statutory rules. It has been held by Hon'ble the Apex Court in Secretary, State of Karnataka and Others Vs. Uma Devi and Others, 2006-SCC-462.

It is well proved by the management that the name of the workman was not sponsored for his regular appointment and when, subsequently, his name was sponsored the workman failed to appear for the interview. Accordingly, opportunity was there for the workman for the regular appointment but reason known to the workman, he failed to appear for the interview. Thus, there is no substance in the contention of the workman that he was terminated on violation of the provisions of Industrial Disputes Act, and he was not afforded the opportunity for re-employment in the capacity of Peon-cum-Frash. The department afforded the opportunity but the workman failed to appear for the interview and did not utilize the opportunity. On the basis of the observation made above, I am of the view that the workman has not proved that he worked and was paid continuously for 240 days in the preceding year from the date of his termination. Management on the other hand has proved that the department afforded the opportunity considering him for the regular appointment for the post of Peon-cum-Frash but the workman did not utilize this opportunity. Accordingly, the workman is not entitled for any relief. The reference is disposed of accordingly Central Government be informed. File be consigned.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 22 जुलाई, 2008

का. आ. 2295.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नेशनल स्टूरो ऑफ एनीमल जेनेटिक रिसोर्स के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-I, चण्डीगढ़, के पंचाट (संदर्भ सं. 263/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2008 प्राप्त हुआ था।

[सं. एल-42012/48/2000-आई.आर. (डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 22nd July, 2008

S.O. 2295.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 263/2000 of the Central Government Industrial Tribunal-cum-Labour Court No. I Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of National Bureau of Animal Genetic Resource, and their workmen, which was received by the Central Government on 22-7-2008.

[F. No. L-42012/48/2000-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT

INDUSTRIAL TRIBUNAL-CUM-LABOUR

COURT-I CHANDIGARH

Case No. I. D. 263/2000

Sh. Babu Ram S/o Sh. Harphool Singh R/o
Vill. Baragaon. Teh. & Distt. Karnal ...Applicant

Versus

The Head, National Bureau of Animal,
Genetic Resource, Post Box No. 129,
Mukarampur Campus, G.T.Road,
Balhri Bye Pass, Karnal ...Respondent

APPEARANCES

For the workman : Workman in person
For the management : Sh. R.K.Sharma

AWARD

Passed on 11-7-2008

Central Govt. vide notification No. L-42012/48/2000-IR (D.U) dated 30th June, 2000 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of National Bureau of Animal Genetic Resource, Karnal in terminating the services of Sh. Babu Ram electrician w.e.f. 6-3-99 is legal and justified? If not, to what relief the workman is entitled?"

The present reference was made by the Central Govt. on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid and for regularization in service with full backwages and all consequential benefits in the interest of justice, equity and fair play.

The management turned up and opposes this application.

As per office memorandum dated 30-4-08, this case was fixed in pre lok adalat meeting on 11-7-2008 of its disposal by adopting the mediation and conciliation mechanism. With the efforts of the Tribunal, the workman agreed to withdraw his reference on the assurance that the management will provide him the work through contractor. The management also agreed to provide the work to the workman with the contractor as per the policy of the Govt. The prescribed authority of the management and the workman during the hearing of this case in pre lok adalat agreed upon the above mentioned terms and conditions. It is proposed to dispose off this reference in Lok Adalat. Accordingly the reference is returned to the Central Govt. as settled in Lok Adalat. Central Govt. be informed. File be consigned to record.

Announced.

Dated 11-7-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 22 जुलाई, 2008

का.आ. 2296.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जवाहर नवोदय विद्यालय के प्रबंधितंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 85/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2008 को प्राप्त हुआ था।

[फा. सं. एल-42012/143/92-आई आर.(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 22nd July, 2008

S.O. 2296.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 85/93) of the Central Government Industrial Tribunal cum Labour Court, No.1 Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Jawahar Navodaya Vidyalaya and their workman, which was received by the Central Government on 22-7-2008.

[F. No. L-42012/143/92-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1
CHANDIGARH

Case No. I.D.85/93

Sh. Harchand Singh S/o Sh. Gurdyal Singh, Mangwal, Distt.
Sangrur- 148001

Applicant

Versus

The principal Jawahar Navodaya Vidyalaya, Longowal,
Distt. Sangrur (Punjab) - 148106.

APPEARANCES

For the Workman : Workman in person.

For the management : Sh. D.R. Sharma

AWARD

Passed on 11-7-2008

Central Govt. vide notification No. L-42012/143/92-IR (D.U.) dated 26th July, 93 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Jawahar Navodaya Vidyalaya, Longowal, Distt. Sangrur in terminating the services of Sh. Harchand Singh S/o Sh. Gurdyal Singh, Mali w.e.f. 13-8-90 is justified? If not, to what relief the concerned workman is entitled to and from what date?”

The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid and for reinstatement in service with full backwages and all consequential benefits in the interest of justice, equity and fair play.

The management turned up and opposes this application.

As per office memorandum dated 30-4-08, this case was fixed in pre lok adalat meeting on 11-7-08 for its disposal by adopting the mediation and conciliation mechanism. With the efforts of the Tribunal, the workman agreed to withdraw his reference. The management also agreed to employ the workman on daily wages without any back wages. The prescribed authority of the management and the workman during the hearing of this case in pre lok adalat agrees upon the above mentioned terms and conditions. It is proposed to dispose off this reference in Lok Adalat. Accordingly the reference is returned to the Central Government as settled in Lok Adalat. Central Government be informed. File be consigned to record.

Announced
11-7-08

G. K. SHARMA, Presiding Officer

नई दिल्ली, 22 जुलाई, 2008

का.आ. 2297.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. आई.आई.एस.सी.ओ.लि. के प्रबंधितंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय (सं. 1), धनबाद के पंचाट (संदर्भ संख्या 23/1999/828) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2008 को प्राप्त हुआ था।

[फा. सं. एल-20012/226/98-आई आर.(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 22nd July, 2008

S.O. 2297.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 23/1999/828) of the Central Government Industrial Tribunal/ Labour Court, No.1 Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. I I S C O Ltd. and their workman, which was received by the Central Government on 22-7-2008.

[F. No. L-20012/226/98-IR(C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.1 AT DHANBAD
PRESENT

Shri H.M. Singh, Presiding Officer

In the matter of an Industrial Dispute under Section 10 (1) (d) of the I.D. Act, 1947

Reference No. 23 of 1999

PARTIES: Employers in relation to the management of Chasnalla Colliery of M/s. IISCO. Ltd., P.O. Chasnalla and their workman.

APPEARANCES

On behalf of the Workman Mr. K. Chakravorty, Advocate.

On behalf of the employers Mr. S.N. Goswami Advocate.

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 14th July, 2008.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/226/98-IR (C-I), dated, the 29th January, 1999.

SCHEDULE

“Whether the action of dismissal of Sri Tarkeshwar Prasad, Ex-Time Keeper, Chasnalla Colliery by the management of Chasnalla Colliery is justified? If not, to what relief Sri Tarkeshwar Prasad is entitled?”

2. The case of the concerned workman is that he was appointed by the management of Chasnalla Colliery in 1964 as Attendance Clerk. Later on he was promoted as Time Keeper and was working as such in the year 1984. The concerned workman was chargesheeted by the Manager, Chasnalla South Mine vide Chargesheet No. SM/5B/84/693, dated 21-9-84/30-11-84 and the concerned workman was directed to file his reply. The concerned workman replied to the said Chargesheet denying the allegation. Thereafter Shri M. Lal, Jr. Manager, P.L. was appointed as Inquiry Officer to enquire into the chargesheet. It has been stated in the W.S. that the Inquiry Officer was biased and he should be changed and he has filed a petition for change of the Inquiry Officer but it has been refused by the management. The management examined only one witness Yudhisthir Bauri who has not supported the case of the management as made out in the chargesheet. The concerned workman filed several documents in support of his case in the inquiry and examined himself. The inquiry was concluded. It has been alleged that he has not been given full opportunity. The inquiry was not fair and proper.

It has been alleged that after long period of 8 years of conclusion of the enquiry the concerned workman was dismissed by the Supdt. of Chasnalla Colliery, South Mine vide his letter dated 21-4-93. It therefore shows that dismissal was after thought only to victimise the concerned workman and before issuance of dismissal order the concerned workman was not given copy of enquiry report which is clear violation of the principle of natural justice. It has been alleged that the chargesheet which has been issued by the Manager was not the competent authority. The Supdt. of Mines issued the letter of dismissal is a higher authority than that of the Manager and as such the chargesheet itself is not maintainable. It has also been alleged that the dismissal order passed by the appellate authority and it has been prayed that the dismissal order be set aside with payment of full back wages and other benefits.

3. In the additional W.S. it has been stated that Yudhisthir Bauri has given evidence in the domestic enquiry that during relevant period he worked at the bungalow of the Group Engineer (E & M) of Chasnalla Colliery - Sri S. Banerjee and Shri M.P. Sinha has given written slip to mark his attendance.

4. The case of the management is that the concerned workman committed a serious misconduct of dishonesty in connection with Employer's business in the course of carrying on his duties as senior time keeper during the year 1984. As a result, a chargesheet dated 30-11-84 was issued to him under clause 18 (1) (A) of the Certified Standing Order of the company. In course of checking it was observed that the concerned workman had booked attendance of one workman, Sri Yudhisthir Bauri, P.No. 90855, a miner/loader of 7th X-cut for the days from 2-4-84 to 10-4-84 and on 16-4-84 although he was absent from his duty and did not go underground to perform his jobs. On the basis of the attendances, the concerned workman got the wagesheet prepared allowing payment for all those days to the aforesaid workman and thus he caused loss to the company with the ulterior motive to gain himself by indirect method. As per the rules, he booked false back wages/group wages as Sri Yudhisthir Bauri had not been shown any work load in the Munshi's report as because he did not go underground and did not perform any duties. Thus, the concerned workman committed the misconduct of dishonesty by causing wilful loss to the company and wilful gain to himself or to the workman at the cost of the company. The concerned workman submitted his reply dated 1-12-84 taking the defence that aforesaid Sri Yudhisthir Bauri was engaged at the bungalow of Mr. S. Banerjee, the Group Engineer (E & M) of Chasnalla Colliery for performing the house hold duties as per instruction of Sri M.P. Sinha, Aetg. Manager of Chasnalla South Mine. He has further stated that the wages were prepared and paid to Sri Yudhisthir Bauri as per the instruction of Mr. M.P. Sinha Management issued notice of enquiry dated 3-1-85

fixing the date of enquiry on 11-1-85. By the same order the management appointed Sri. M.Lal, Junior Manager (PL) Chasnalla Colliery to conduct the departmental enquiry and appointed Sri S.N.Das Asstt. Manager (SM) to act as management representative and to produce the evidence in the departmental enquiry. The aforesaid enquiry was conducted on different dates in the presence of the chargesheeted workman. The concerned workman fully participated in the departmental enquiry and cross-examine the management witness. It has been submitted on behalf of the management that the departmental enquiry was held fairly, properly and in accordance with the principle of natural justice. After concluding the enquiry the E.O. submitted his report dt. 9-10-86 holding the concerned workman guilty of the charges levelled against him. Later on he was dismissed from service. It has been stated that he is not entitled to get any relief and an Award may be passed accordingly.

5. On 22-12-2000 by my predecessor-in-office it was held that the domestic enquiry conducted against the concerned workman was fair, proper and in accordance with the principle of natural justice. Thereafter the case was fixed for hearing argument on merit and accordingly argument on merit of the case was heard.

6. Both the parties have filed written argument. Main argument on behalf of the workman is that the Enquiry Officer submitted his report on 9-10-86 and the management dismissed the concerned workman on 21-4-93 after lapse of 8 years. It has been argued that dismissal of the concerned workman after 8 years of enquiry report shows that he has been dismissed with prejudice. It has also been argued that before dismissal he has not been served with a copy of the enquiry report. So natural justice has not been followed. Dismissal order should be set aside.

7. As per observation made earlier that the enquiry was found to be fair and proper on 22-12-2000 by this Tribunal this aspect cannot be examined again. Only we have to see whether punishment of dismissal is too harsh or not.

8. As the concerned workman stated that Shri Yudhisthir Bauri has worked in the bungalow of Shri S.Banerjee Group Engineer and the said Yudhisthir Bauri has also deposed during the enquiry that he has worked during the period of his absence in the bungalow of Shri Banerjee. It shows that the allegation against the concerned workman is that Yudhisthir Bauri has been deputed for house hold work at the bungalow of the officer S. Banerjee on the instruction of Colliery Manager seems to be correct. Ld. Lawyer for the workman has referred to a Supreme Court decision of 20-11-1990 in Civil Appeal No. 571 of 1985 - Union of India & Ors. -versus- Mohd. Ramzan Khan in which it has been held by the Hon'ble Supreme Court that supply of a copy of the inquiry report along with recommendations, if any, in the matter of proposed

punishment to be inflicted would be with the rules of natural justice and the delinquent would therefore be entitled to the supply of a copy thereof and that the Forty Second Amendment has not brought about any change in this position. Ld. Lawyer has also referred to another decision of the Hon'ble Supreme Court reported in 1989 Lab I.C. 1043 in which Hon'ble Supreme Court held disciplinary enquiry found to be fair and lawful and its findings were not vitiated in any matter. That by itself would not be ground for non interference with order of termination of service by Labour Court. Ld. Lawyer for the workman has also cited a decision of the Hon'ble Supreme Court reported in FLR 1995 page 817 in which Hon'ble Supreme Court laid down that since the appellate authority has exercised the power of the disciplinary authority — Appellant was deprived of right of appeal — As such order of dismissal has inherent defect and is liable to be set aside. In the present case the dismissal order has been passed by the Appellate Authority.

9. In the present case it appears that the concerned workman has been dismissed on the ground of marking presence of Yudhisthir Bauri and the said Yudhisthir Bauri has stated in the enquiry that he has worked at the residence of S. Banerjee, the Officer of the Company. The concerned workman also stated that Yudhisthir Bauri has been deputed to work in the residence of Shri S. Banerjee on the instruction of Colliery Manager. So it shows that there is genuine and bona fide ground for the workman to obey the order of Colliery Manager to send Yudhisthir Bauri to do house hold work at the residence of the Officer of the Company S. Banerjee though payment was made by the company. So in no way the concerned workman has got any motive to gain by sending Yudhisthir Bauri at the residence of S. Banerjee, the officer of the Company and in this respect the Colliery Manager has given instructions that he should be marked present and so it was the duty of the concerned workman to mark present Yudhisthir Bauri on the days he worked at the residence of the Officer of the company S. Banerjee. After completion of enquiry against the concerned workman in the year 1986 and dismissal after 8 years in 1993 shows it has been done with malafide intention. Moreover, as enquiry has been found to be fair and proper so that order cannot be again reviewed by this Tribunal but order passed by the management dismissing the concerned workman is illegal and unjustified.

In the result, the following Award is rendered:—

“ The action of dismissal of Sri Tarkeshwar Prased, Ex-Time Keeper, Chasnalla Colliery by the management of Chasnalla Colliery is not justified. But as the concerned workman has already been superannuated he should be given by the management the retirement benefits and back wages during the period of his dismissal with continuity of services.”

H. M. SINGH, Presiding Officer

Versus

Zonal Manager, Punjab National Bank, Zonal Office, Ludhiana, Punjab. ... Respondent

APPEARANCES

For the Workman : Sh. Raj Kaushik.
For the Management : Sh. Rajesh Kumar Gupta

AWARD

Passed on 15-7-2008

The Government of India vide notification No. L-12012/91/93-IR (B-II) dated 2-9-93 referred the following industrial dispute for judicial adjudication on account of failure of conciliation proceedings in the office of Conciliation Officer :

“Whether the action of the management of Punjab National Bank in dismissing Shri P.K. Jyothi from the service of the Bank is justified? If not, what relief, the workman is entitled to?”

As per the pleadings of the parties which took place in the statement of claim and written statement of the workman and the management of respondent bank respectively, Shri Prem Kumar Jyothi join the Bank on 18-6-1982 as Clerk-cum-Cashier. On 6-10-90, while Shri Jyothi was working as Clerk/Cashier in charge at Jawaddi Branch Office, the cash of the Branch was checked during surprise inspection by the Manager of the Branch at about 1.00 p.m. In the inspection, a shortage of cash worth Rs. 12,200 was revealed. The cash in hand as per cash book was Rs. 3,38,053.85 and whereas on physical verification of cash, the cash worth Rs. 3,25,853.85 was found. Shri Prem Kumar Jyothi was put under suspension on 10-6-90 and the charge of Clerk/Cashier in charge of Jawaddi Branch office was given to some other Bank employee. On 10-10-90, the workman was charge sheeted as 5,740 rupees was found short in packets and cash of Rs. 6,460 was found short in the loose cash. The charge sheet was received by the workman. He did not reply to the charge sheet and accordingly, on 13-11-90, Enquiry Officer was appointed to enquire the matter. The Enquiry Officer after conducting the inquiry gave the findings on 23-5-91 to the fact that the charge levelled against the workman was fully proved. The disciplinary authority after affording an opportunity of being heard on a show-cause notice, dismissed the workman without notice from the service on 29-6-91. This dismissal order without notice, offered the opportunity to the workman to agitate the matter in the form of this industrial dispute.

The workman in his pleadings has stated that the inquiry proceedings were conducted against the principles of natural justice, no opportunity for hearing was given to him. He was not even permitted to cross-examine the witnesses of the Bank. Enquiry Officer was not competent to conduct the enquiry and the disciplinary authority pronounced the punishment of dismissal without notice,

without hearing him. The punishment was excessive. On these facts, the workman has prayed for setting aside the inquiry proceedings and for his reinstatement into service with full back wages and other facilities.

During the proceedings of this reference, the workman Shri Prem Kumar Jyothi dies and his legal representatives were brought on record. Both of the parties were given the opportunity for adducing evidence. Their Affidavits are on record. Enquiry proceedings, enquiry report and the proceedings before the disciplinary authority are also on record.

I have heard learned counsels for the parties. Learned counsel for the workman has stated that no proper inquiry was conducted in this case and the disciplinary authority has wrongly punished the workman with dismissal without notice as the copy of inquiry report was not provided to him. On this point that the copy of the inquiry report was not provided to the workman while passing the order of punishment by disciplinary authority, learned counsel has referred the following case laws :

1. D.K. Syal Vs. Punjab State Electricity Board, 2004 (1) RSJ-378.
2. Captain Indervir Singh Bajwa Vs. the State of Punjab and Another, 1996 (2) RSJ-818.
3. Mangtu Ram (deceased) through his LRs. Vs. State of Haryana and Others, 2001 (3) SLR-232.

On violation of the principles of natural justice, learned counsel for the workman has relied upon a case decided by Hon'ble Apex Court namely Committee of Management, Kisan Degree College Vs. Shambhu Saran Pandey and Others published in 1995 (3) RSJ-68.

Learned Legal Representative of the management of the bank had argued that the full opportunity of being heard at every stage was given to the workman. The enquiry was properly conducted by the Enquiry Officer duly appointed by the disciplinary authority under law. Disciplinary authority has also supplied the copy of enquiry report before reaching any decision for granting punishment.

After hearing the arguments of learned counsels and after pursuing the entire materials on record, I am of the view that main questions for determination of this Tribunal for judicial adjudication of this reference are as follows:—

1. Whether a proper, fair and reasonable enquiry was conducted against the workman,
2. Whether the doctrines of principle of natural justice were complied with while conducting the enquiry,
3. Whether the disciplinary authority afforded the opportunity of being heard by a show-cause notice coupled with the copy of enquiry report and
4. Whether the punishment given by the disciplinary authority is in proportionate to the misconduct committed by the workman.

I have gone through the entire inquiry proceedings. On surprise inspection by the Manager of the Branch dated 6-10-90, a cash of Rs. 12,200 was found short. This shortage of Rs. 12,200 was bifurcated in the charge sheet itself as Rs. 5,740 from the packets and Rs. 6,460 from the loose cash. It is not disputed that the copy of the charge sheet was provided to the workman and opportunity to file the reply was given. No reply was given by the workman and consequently, Enquiry Officer was appointed to conduct the inquiry. The Regional Manager of the Bank vide order dated 7-12-90 which is on record informed Shri P.K. Jyothi that it has been decided to hold a departmental inquiry to look into truth of charges levelled against him vide the charge sheet dated 13-11-90 in terms of Awards/Bipartite Settlement. Shri Ramesh Adhlakha, Senior Manager, Branch Office was appointed as Enquiry Officer for conducting inquiry. The receiving of this letter is not disputed by the workman. Thereafter, as per the records of the inquiry proceedings, the inquiry was conducted from 7-1-91 to 5-4-91. Full opportunity of hearing and for cross-examination of the witness of the bank was given to the workman. The Enquiry Officer after affording the opportunity of adducing defense witnesses, gave the finding on the charges as proved. I have also gone through the enquiry report. The Enquiry Officer has examined as more as 4 witnesses who have proved 9 documents which were marked Exhibits, as Ex.1 to Ex.9. Ex.1 is the charge sheet served upon the workman. Ex.2 is the copy of cash book dated 6-10-90. Ex.3 is the copy of cash memo containing the details of cash dated 6-10-90. Ex.4 is the copy of cash reserve register for 6-10-90. Ex.5 is a debit voucher relating to protested advances a/c dated 6-10-90 for Rs. 12,200. Ex.6 which represents the checking of cash on 6-10-90 in which Rs. 12,200 was found short. Ex.7 is the suspension order served upon Shri P.K. Jyothi on 6-10-90. Ex.8 is the order relating to the handing over of charge of cash to Shri Gurdarshan Singh from Shri Jyothi, and Ex.9 is the list of witnesses.

All these Exhibits have been proved by the witnesses examined by the Enquiry Officer. I have gone through the evidence given by all the witnesses and also gone through these Exhibits.

A Circular letter has also been filed by the representative of Punjab National Bank. Para No. 2 of the Circular Letter dated April 13, 1987 and bearing Personnel Division Circular No.1012 provides that the incumbent in charge of each office is empowered to issue and serve charge sheets on the defaulting workman and to suspend them, if considered necessary, after obtaining prior approval from disciplinary authority designated under Para-II below. I have also gone through the Para II of this Circular Letter. On going through the entire materials on record, it is well proved that on 6-10-90 on surprise inspection by the Manager of the concerned Branch, Rs. 12,200 was found short at the seat of the workman who was working as Clerk-cum-Cashier in charge. He was as per the Circular Letter No.1012 put under suspension and a charge sheet dated 10-6-90 was served upon him. As per the Circular Letter of

Personnel Division No.1012 Punjab National Bank dated April 13, 1987, the Branch Manager was competent to give the charge sheet. The disciplinary authority assigned the enquiry to the Enquiry Officer as per the provisions of law and the Enquiry Officer after affording the opportunity of being heard to the workman, conducted and concluded the enquiry. I smell no violation in principle of natural justice while conducting the inquiry because at every stage opportunity of being heard was given to the workman. He was given the opportunity to cross-examine the witness of the Bank. If he is not availing that opportunity, it cannot be termed as the violation of principle of natural justice. One of the contentions of learned counsel for the workman is that the officer who issued the charge sheet was examined as witness of the Bank by the Enquiry Officer and the same officer was the Presenting Officer as well. It violates the principles of natural justice. After going through the materials on record, there is no reason before me to accept this contention of the workman because the charge sheet was given by officer competent to do so and as he has found the cash short on surprise inspection, he was a necessary witness to be examined by the Enquiry Officer. Thus, there was no violation of the principle of natural justice, if the officer who has given the charge sheet and was presenting the case before the Enquiry Officer, has been examined by the Enquiry Officer, whereas, it was the requirement of law.

Thus, on the basis of above, I am of the view that the person who gave the charge sheet to the workman was competent to do so. The Enquiry Officer was duly appointed according to law and the Enquiry Officer while conducting and concluding enquiry, has adopted a fair and reasonable procedure. From the entire material on record, there seems to be no violation of any of the principle of natural justice. Accordingly, there is no occasion for this Tribunal to interfere in the inquiry conducted by the Enquiry Officer and on the finding given by him.

The question left for the determination of this Tribunal is whether the disciplinary authority passed the punishment in compliance of the principle of natural justice and the punishment given by him was in proportionate to the committed misconduct? Again, I have gone through the file of the inquiry proceedings. After receiving the enquiry report, the Regional Manager who was the disciplinary authority, informed Shri P.K. Jyothi vide letter No. STF/II/PF/937 dated 31-5-91 about the departmental inquiry into the charge sheet dated 13-1-90. Vide this letter, a show-cause notice was given to the workman with the proposed punishment. In this letter, it is very well mentioned that a copy of the report of the Enquiry Officer dated 23-5-91 is enclosed for reference and record along with a copy of the order dated 29-5-91 of the Regional Manager. The receiving of this letter dated 31-5-91 is not disputed. Learned counsel for the workman has agitated that the inquiry report was not provided to the workman along with the show cause notice, and consequently, has referred the above-mentioned rulings in which the copy of the inquiry report was not given to the workman.

It is true that the right to receive a copy of enquiry report is an integral part of departmental inquiry and even if the departmental statutory rules do not permit the furnishing of the report or are silent on the subject, the delinquent employee/workman is entitled to a copy of the report. If the copy of the report is not provided to the delinquent employee/workman, the consequences as referred by Hon'ble Courts in the above-mentioned rulings will follow.

But it is not possible for me to accept the contention of the learned counsel for the workman that the copy of the inquiry report was not given to the workman at the time of show cause notice by the disciplinary authority because this matter was agitated for the very first time at the time of arguments and not before. In his statement of claim, the workman has not narrated even a single word regarding not receiving the copy of inquiry report along with show cause notice. Para Nos. 21 to 25 of the claim statement are relating to the disciplinary authority and nothing has been mentioned by the workman in these paras that the copy of inquiry report was not provided to him. Likewise, in his affidavit, the workman has not agitated the matter regarding non supply of copy of Inquiry report along with show cause notice by the disciplinary authority. Moreover, documentary proof is on record, which shows that along with the show-cause notice, a copy of the enquiry report was supplied to the delinquent workman. From the letter of Regional Manager, No. STF/II/PF/1410 dated 29-6-91, it is clear that the workman enjoyed his right of personal hearing and also make a request to the Regional Manager on 25-6-91 to give him the time up to 27-6-91 for written submissions. On his failure to file the written submissions, the disciplinary authority passed the sentence of dismissal without notice to the workman on 29-6-91. Thus, there was no violation of any principle of natural justice by disciplinary authority while dealing with the matter regarding punishment.

Now, the question before this Tribunal is whether the punishment given to the delinquent workman was in proportionate to the misconduct. Admittedly, the delinquent workman was working in a financial institution on the seat of Clerk-cum-Cashier who is supposed to handle the cash at every moment. Trust and confidence of the people in the institution and of the management in the workman along with the integrity of the workman is prime for the institutions like this. If the integrity of any official is affected or the confidence of the management in the workman is gone, it will be fatal for the existence of the institution. Thus, for financial irregularities by any delinquent official or workman, the penalty of dismissal from the service is proportionate punishment.

Accordingly, in my view, the punishment of dismissal without notice of the workman for the reasons mentioned in the charge sheet which was fully proved, is a proportionate and proper punishment. Accordingly, this reference is answered in positive that the action of the management of Punjab National Bank in dismissing Shri P.K. Jyoti from the service of the Bank is justified and

the workman is not entitled to any relief. Let Central Government be informed. File be consigned.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 23 जुलाई, 2008

का.आ. 2300.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कैनरा बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1 चंडीगढ़ के पंचाट (संदर्भ संख्या 51/1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2008 को प्राप्त हुआ था।

[सं. एल-12012/27/92-आई आर.(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 23rd July, 2008

S.O. 2300.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.51/1992) of the Central Government Industrial Tribunal-cum-Labour Court, No. I Chandigarh as shown in the Annexure in the Industrial Dispute between employers in relation to the the management of Canara Bank and their workmen, which was received by the Central Government on 22-7-2008.

[No. L-12012/27/92-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORESHRIGYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,

CHANDIGARH

Case I. D. No.51/1992

Shri Arun Ghai, Co-Convener, Canara Bank Staff Union, B-11, 1662. Rari, Mohalla, Ludhiana (Pb.) ... Applicant

Versus

Deputy General Manager, Canara Bank Circle Officer, Sector-34-A, Chandigarh. ... Respondent

APPEARANCES

For the Workman : Sh. Arun Batra

For the management : Sh. G.C. Babbar

AWARD

Passed on 14-7-2008

Central Govt. vide notification No. L-12012/27/92-IR (B-2) dated 30-4-1992 referred the following Industrial dispute for judicial adjudication on account of failure of conciliation proceedings:—

“Whether the action of the management of Canara Bank imposing punishment on Shri Anil Kumar Jaggi by stoppage of two annual increments with cumulative effect and treating the suspension period as not spent on duty is legal and justified? If not, to what relief the workman is entitled to?”

I have gone through the statement of claim of the workman and the written statement filed by the management of Canara Bank. The main dispute for judicial adjudication before this Tribunal is whether the stoppage of two increments with cumulative effect and treating the suspension period of the workman as not spent on duty, required any inference of this Tribunal being arbitrary and illegal as alleged by the workman?

From the perusal of the pleadings, it is evident that Sri Jaggi was charge sheeted on two fold as follows:—

(1) That Sri. Jaggi while working as a clerk in the Wrik branch of the Erst Laxmi Commercial Bank (Canara Bank after amalgamation), was maintaining an ordinary saving bank account No. 819 at Wrik branch. On 11-9-80, Sri Jaggi deposited a sum of Rs. 7,100.90 by cash for credit of his SB A/c No. 819. Inter alia he obtained a Bajaj Chetak Scooter by paying through a DD No. 2/80 dated 11-9-80 for Rs 7,118.90 favouring Northern Motors Ambala. Sri Jaggi caused to get an endorsement made on the reverse of the aforesaid DD in collusion with the then Manager of the branch that the draft has been issued against foreign exchange on A/c of non-convertible A/c No. 819 whereas, the same had been issued against cash deposited in the SB A/c 819 of Sri Jaggi. Accordingly, Sri Jaggi in the aforesaid intersection by misusing his position in the branch obtained a Bajaj Chetak Scooter in contravention of the norms prescribed under the priority allotment scheme.

(2) The second charge on the workman Sri. Jaggi was that while he was working as a clerk in the Wrik Branch of the Erst Laxmi Commercial Bank (now Canara Bank after amalgamation) he operated an ordinary SB A/c No. 1778 in the name of Sri Anil Kumar Jaggi, resident of A-9 Malka Gang, New Delhi. On 12-8-83 a DD No. 10/83 dated 12-8-83 for Rs. 8,694 was issued favouring New United Automobiles, against cash deposited by Sri Jaggi, whereas, the endorsement on the reverse of the DD was to the effect that the DD had been made by the depositing the non-convertible SB A/c No. 1778 of Sri Anil Kumar Jaggi. The above DD along with the endorsement was issued for the purpose of procuring Bajaj Chetak Scooter under priority allotment scheme. Accordingly, Sri Jaggi had booked and procured a Bajaj Chetak Scooter under priority allotment scheme by misrepresenting on the back of that DD No. 10/83, dated 12-8-83 for Rs. 8694 and caused that DD to be issued as against foreign exchange, whereas, the same was purchased by Sri Jaggi against cash deposit.

After holding an enquiry, the enquiry officer gave an enquiry report holding both of the charges well proved. The disciplinary authority, after affording the opportunity of personal hearing passed the sentence for stoppage of two increments for each of the charges as proved against Sri. Jaggi. The stoppage of increments was also ordered with cumulative effect and the period for which Sri Jaggi was placed under suspension was to be treated as not spent on duty for any purpose whatsoever. The workman accordingly raised this industrial dispute aggrieved with this punishment.

Sri Anil Kumar Jaggi filed his affidavit whereas, on behalf of the management Sri K.R. Gopinathan filed the affidavit. Both of these witnesses were cross-examined by their respective opposite learned counsels.

In his cross-examination Sri Anil Kumar Jaggi, the workman, has stated as follows:—

“I have participated in all hearing before the enquiry officer.....It is correct that the enquiry officer did not refuse to record the statement of my defence witness. Mr. Arun Ghai was the defence representative in my enquiry.....It is correct that the witness of the management was cross-examined by my representative.....It is correct that I confess the charges before the enquiry officer, as he gave me assurance of imposing lesser punishment.”

I have gone through the enquiry report and the proceedings of enquiry. From the enquiry report, enquiry proceedings and the cross-examination of the workman, it is clear that enquiry officer was duly and lawfully appointed to conduct an enquiry. It is also clear, and is not disputed as well that the enquiry officer adopted a fair, reasonable and proper procedure to conduct the enquiry and their seems no violation of any of the principles of natural justice. As per the statement of Sri Jaggi, his representative.

Sri Arun Ghai cross-examined the witnesses of the management. He was present through out the proceedings in enquiry and enquiry officer did not refuse to record the statement of any of the defence witness. Moreover, Sri Jaggi confessed to his conduct that he procured two bank drafts on cash payment and get the endorsement of the then manager of the bank that the drafts have been procured through foreign currency. It is true that he has mentioned in his cross-examination that he confessed the charges before the enquiry officer on the assurance of imposing lesser punishment. Sri Jaggi has filed to prove the assurance given by the enquiry officer for imposing lesser punishment. Sri Jaggi has also fail to prove it that the matter concerning the lesser punishment was discussed by him with the enquiry officer while giving the assurance of lesser punishment. Thus, the way enquiry was conducted and on the basis of the statement of Sri Jaggi, the enquiry officer has rightly given the finding on both of the charges as well proved.

In Nirmal Kaur Vs. Indian Red Cross Society, Punjab and others, 2002 (3), SCT 82, it has been held by Hon'ble the Punjab and Haryana High Court, that when petitioner himself admits the act of forgery, he cannot say that he was not properly heard in departmental proceedings. Accordingly, the enquiry officer has rightly given the finding on both of the charges leveled against Sri Jaggi as well proved.

The only question left for the determination of this Tribunal is whether the punishment given to the workman is proportionate to the committed misconduct. Where there is a fair and reasonable enquiry in compliance of the principle of natural justice and on the basis of the findings of enquiry, delinquent workman has been punished by the disciplinary authority, the scope of altering the sentence by the Tribunal is very limited. The Tribunal can only

interfere where the punishment is disproportionate to the gravity of misconduct. In B.C. Chaturvedi Vs. Union of India, 1996 (1), SCT 617 (SC II), Hon'ble the Apex Court held that unless Court blow go to the deep conclusion that the punishment awarded by the management is shockingly disproportionate to the misconduct as proved, it is not open to the Court to substitute such punishment merely because some power to alter the punishment is vested in it.

Thus, it is clear that power of the Tribunal for interference with the quantum of punishment is very limited.

Discipline at the work place in any organization is sine qua non for the efficient working of the organization. By indulging himself in the fraudulent activity, no doubt with the help of the then manager of the bank, is the act of indiscipline and undoubtedly an act of misconduct. The workman was working in a financial institution. By the activities he carried out, not only the trust and confidence of the people in the institution is lost but the confidence of the organization in the workman is also gone. It is fatal for the work culture and the discipline of the financial institution. As stated earlier, this Tribunal is only empowered to interfere in the punishment given by the disciplinary authority, if the punishment, in the opinion of the Tribunal, is shockingly disproportionate to the gravity of misconduct. The workman was working in a financial institution where good behaviour, dignity and integrity of highest degree is presumed. The workman, Sri Anil Kumar Jaggi on 11-9-90 and 12-8-80 has procured two bank drafts from the branch in which he was working on cash payment by getting the endorsement by the then manager has issued against foreign exchange remittance to procure/help to procure Bajaj Chetak Scooter in contravention of norms under the priority allotment scheme. It is the fraud against the interest of rightful claimant by the employee of the financial institution. For such an act of misconduct, stoppage of two increments for each charge, in my opinion is the proportionate and appropriate punishment given by disciplinary authority. In my opinion, the disciplinary authority has the lenient view in awarding the punishment and the reason is very clear that Sri Jaggi get these drafts endorsed as issued against foreign exchange remittance from the then manager of the bank. Considering the contributory act of misconduct, the disciplinary authority has been lenient in awarding punishment and in my opinion the punishment of stoppage of two increments for each charge with cumulative effect and not treating the period of suspension as not on duty for any purpose whatsoever in an appropriate punishment which is in proportionate to the misconduct of the workman.

Accordingly, this reference is answered in positive that the action of the management of Canara Bank imposing punishment on Sri Anil Kumar Jaggi by stoppage of two increments for each charge with cumulative effect and treating the suspension period as not spent on duty is legal and justified, and the workman is not entitled to any relief. Central Government be informed accordingly. File be consigned.

G.K. SHARMA, Presiding Officer

नई दिल्ली, 23 जुलाई, 2008

का.आ. 2301.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1 चंडीगढ़ के पंचाट (संदर्भ संख्या 13/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2008 को प्राप्त हुआ था।

[स. एल-12012/286/94-आई आर.(बी-II)]
राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 23rd July, 2008

S.O.2301.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.13/95) of the Central Government Industrial Tribunal-cum- Labour Court, No.1 Chandigarh as shown in the Annexure in the Industrial Dispute between employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 22-7-2008.

[No. L-12012/286/94-IR (B-II)]

RAJINDER KUMAR, Desk Officer
ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1**

CHANDIGARH

Case No.I.D.No.13/95

Shri Rajesh Kumar S/o Shri Girdharilal, 455/221 Durg Colony
Rohtak ...Applicant

Versus

The Regional Manager, Bank of Baroda, R.O. G.T.Road
Karnal. Respondent

Appearances

For the Workman : Shri. Sanjeev Bhardwaj

For the Management : Shri. Parmod Jain

AWARD

Passed on 14-7-2008

Central Govt. vide notification No. L-12012/286/94-IR (B-II) dated 8-2-1995 referred the following Industrial dispute for judicial adjudication on account of failure of conciliation proceedings:—

“Whether the contention of Sri Rajesh Kumar, ex-sub-staff that the management of Bank of Baroda, Karnal were not justified in not considering him for re-employment while recruiting fresh hands as required under Sec. 25-H of the I.D. Act, 1947, is correct? If so, what relief is the said workman entitled to?”

From the reference, it is clear that only question for determination of this Tribunal is whether the management of the Bank of Baroda, Karnal violated the provisions of

Section 25 (H) of Industrial Disputes Act, by not considering the name of the workman, Sri Rajesh Kumar, in fresh recruitment.

I have gone through the pleadings of the parties from that statement of claim filed by the workman and written statement filed by the management. The workman has alleged in his statement of claim that he was engaged as temporary Peon by the Erstwhile Traders Bank Ltd. in 1986, and he was allowed to continue to work as Peon by the Bank of Baroda even after the merger of Erstwhile Traders Bank Ltd. with Bank of Baroda in May 1988. The workman was engaged by the management of the bank in the Civil Road, Rohtak Branch, against vacancies of in leave arrangement of Mr. Mohinder Singh/Gagan Ram/Ranbir Singh or in Post Office street, Rohtak Branch in the vacancies of/in leave arrangement of Sri. Shemser Singh, Peon/Sh. Om Parkash, Peon who all were posted in permanent capacity. For his working on the post of Peon, he was paid only Rs. 15-20 per day. He was sometimes paid daily wage in the name of some other persons though vouchers were signed by him. When he insisted for getting full salary of a Peon and that too in his own name and under his signature, the management of the bank told him on 16-11-92 that his services were no longer required that after his termination one Mr. Satish Kumar was appointed as a Peon whereas, no preference against the provisions of Section 25 (H) of Industrial Disputes Act, was given to him. He raised an industrial dispute and on failure of the conciliation proceedings, the Central Government referred this reference for adjudication. It has also been narrated by the workman that during conciliation proceedings the concerned official conducted the spot verification of records, had in fact done only a sample checking of relevant vouchers only for about 10% of the dates on which the workman was employed by the respondent.

The management of Bank of Baroda opposed this claim of the workman by filing written statement. The management alleged that the workman was engaged as a daily waged worker and not as a Peon by the Erstwhile Traders Bank Ltd. in the year 1986. He was never employed by the Bank of Baroda on the post of Peon. It has been admitted by the management of Bank of Baroda that Assistant Labour Commissioner conducted an exhaustive enquiry into the matter and came to the conclusion that the workman has not worked continuously at any occasion for more than 75 days as required for the purpose of Section 25 (F) of the Industrial Disputes Act. The workman was engaged as a causal labour for a particular period and he was paid by the respondent according to the rates admissible at that time. He was not engaged against any leave vacancy.

Both of the parties have given the actual number of days worked by the workman, but I am of the view that the reference referred by the Central Government is on different footing and this Tribunal has no courage to go beyond the reference. Reference is relating to the violation of Section 25 (H) of the Industrial Disputes Act, which reads as under : -

"Where any workman are retrenched, and the employer proposes to take into his employ any persons, he shall, in such manner as may be prescribed, give an opportunity (to the retrenched workmen who are citizens of India to offer themselves for re-employment, and such retrenched workmen) who offer themselves for re-employment shall have preference over other persons."

From the perusal of Section 25 (H), it is clear that when workman is retrenched and the employer proposes to engage any other employer, he is bound to give the opportunity to the employee retrenched by him. In other words the retrenched employee has the priority over the fresh recruits.

So, it is the duty of this Tribunal to restrain itself for the reference strictly. The workman in his pleadings has stated that he was appointed as a temporary Peon, but in his evidence he has admitted that he was employed as causal labour by the Erstwhile Traders Bank Ltd. in 1986. Bank of Baroda, in which the Erstwhile Traders Bank Ltd. merged thereafter, never employed him. No appointment letter was given to him. He was firstly appointed for 90 days as per the details given in the written statement. Consequently, no employment was given after the dates mentioned in the written statement. Thus, the workman has admitted that he has only worked on the dates which were given in the written statement. No minimum working days are given under Section 25 (H) of Industrial Disputes Act. So, it is not obligatory on this Tribunal to decide as to how many days the workman worked and was paid. Admittedly, the workman worked with the Bank as a causal labour. In his claim he claims the parity with the appointment of regular Peon which was appointed as per the statutory rules by the management of the Bank.

The question before this Tribunal is whether the causal labour can claim parity under Section 25 (H) of the Industrial Disputes Act on the appointment against the regular vacancies made under the statutory rules. In my opinion the answer is no. No causal labour while working can claim the parity on the regular appointment against the suggestive post, if the appointment is made as per the statutory rules which has been well established by the Hon'ble the Apex Court in Secretary, State of Karnataka and others Vs. Uma Devi and others. The workman has failed to prove that any causal labour was appointed by the Bank after his termination avoiding his seniority in violation of Section 25 (H) of the Act. Thus, in appointment for regular vacancies made under the statutory rules, no parity can be claimed by the workman who had worked for sometime as causal labour with the Bank, as per the directions given by the Apex Court of India in Uma Devi's case (supra). Accordingly this reference is answered and the workman is not entitled for any relief. Central Government be informed. Consign the record.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 24 जुलाई, 2008

का. आ. 2302.—औद्योगिक अधिनियम, 1947 (1947 का 14) की धारा-17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग, रेलवे इलेक्ट्रिफिकेशन प्रोजेक्ट के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 117 एवं 86/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-7-2008 को प्राप्त हुआ था।

[संख्या एल-41011/7/91-आईआर(डीयू),
संख्या एल-41011/6/91-डी-II(बी)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th July, 2008

S.O. 2302.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947) the Central Government hereby published the Award (Ref.No. 117 & 86/91) of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Telecom, Railway Electrification Project, and their workman, which was received by the Central Government on 24-7-2008.

[No. L-41011/7/91-IR(DU),
No. L-41011/6/91-D.II(B)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT-II, NEW DELHI

Presiding Officer: R.N. Rai

I.D. No. 117/1991 & 86/1991

IN THE MATTER OF:

Sh. Munshi Prasad & Ors;

C/o. INTUC, UP Agra Zila Council,
2/235, Namner, Agra (UP).

—Claimant

VERSUS

The Divisional Engineer, Telecom,
Railway Electrification Project,
B-1/10, Community Centre, Janakpuri,
New Delhi - 110 016

—Respondents

AWARD

The Ministry of Labour by its letter No. L-41011/7/91-IR (DU) Central Government Dt. 26-9-1991 & L-41011/6/91-D-2 (B) Central Government Dt. 8-7-1991 has referred the following point for adjudication.

The points run as hereunder:—

“Whether the action of the management of DET (RE), New Delhi was justified in terminating the services of S/Sh. Munshi Prasad, Mohan Lal, Ganesh Kumar, Ram Sagar, Badri Prasad, Mewa Lal, Shanshyam Sharma, Gajanand

Dwarikalal, Suresh Prasad, Lalendra Kumar and Shatrujan and also not preparing correct seniority? If not, what relief the workmen are entitled.”

“Whether the action of the management of DET (RE), New Delhi in terminating the services of S/Sh. Kesheo Deo, Sukhbir Singh, Baboolal, Jawahar Lal, Pooran Singh, Rameshwar Singh, Mahabir Singh, Prem Singh, Shiv Charan, Netrapal Singh, Raman Lal, Hardam Singh, Geetam Singh, Shashpal Singh, Jaipal Singh, Bani Singh, Sant Pal, Beeri Singh, Bhagwat Prasad, Bhatwat Singh, Ashok Kumar, Suresh Chandra, Shri Prakash, Ram Prakash, Roop Singh and Umed Singh is justified? If not, what relief they are entitled to.”

I.D. Nos. 117/1991 and 86/1991 involve common dispute. These are connected cases and they can be adjudicated by common award. The grounds of both the cases mentioned above are the same. So both the above mentioned cases are taken up together.

Award dated 6-3-1995 was set aside as the Hon'ble Supreme Court declared DET in Industry. The Division Bench of the Hon'ble Supreme Court has declared DET not an Industry but the judgement of the Division Bench has been set aside by a 3 Judges bench of the Hon'ble Supreme Court, so the DET is an Industry and the applicants are workmen u/s 2(s) of the ID Act, 1947.

The case of the workmen applicants are that they worked with the respondents for the first time at Bharatpur Bayana Hindon, Gangapur Swain Madopur, Bundi, Kota, Ram Ganj Mandi etc. for almost 10 years. They had last worked at IP T Agra for more than 240 days but these workmen have been illegally removed by the respondent on 25-05-1990 whereas their matter was pending on 25-06-1990 before the A.I.C, Lucknow as such the respondent terminated the services of these workmen in breach of Section 33 of the ID Act, 1947.

That the respondent kept engaging the workmen junior to them Sh. Brajbhan Singh, Sh. Ramvir Singh, Sh. Om Prakash, Khyali Ram, Siya Ram, etc. Sh. Ram Prakash and Sh. Ram Sumer were junior to them but they have been engaged by the management at the direction of the A.I.C, Lucknow.

That at the time of retrenchment, seniority in the division from the date of engagement is to be prepared and the workmen who joined last should be removed. The respondents have not prepared the seniority list as has been prepared in the Nagpur division. Photocopy of the seniority list is annexed with the records.

That Sh. Ajit Lal has been re-engaged from April, 1985 whereas he has worked for 36 days in the year 1982 & 1983, 96 days in 1983-1984, 122 days in 1984-1985 elsewhere and Sh. Ajit Lal has been given that seniority but at the time of re-engagement in Agra, the seniority of the initial date of engagement has not been given and so the management has acted in breach of Section 25 F of the ID Act, 1947.

That the respondents have been removed with the signatures of RIP&D whereas he was not competent to retrench the workmen. The workmen have obtained temporary status. All have worked for 240 days.

That the respondents have not paid them retrenchment compensation of all his workmen validly and they have not been afforded opportunity to be included in Class - D in view of scheme of 11-5-1985.

That the respondents have not prepared combined seniority list so they have adopted unfair labour practice.

That the 19 workmen were removed by the management when they demanded temporary status and equal pay for equal work. These workmen have been re-engaged vide order dated 19-1-1989 and it was also decided to absorb the workmen in view of the settlement dated 19-1-1989.

That the respondents have excluded the P & D Department from the division whereas, the workers have been engaged in P & D Department also. There is specific circular of 7-5-1985 that the workmen engaged in P & D Department will not be removed from service. The respondents have not observed the rules of the department at the time of retrenchment of these workmen on 25-6-1990.

That the Hon'ble Apex Court has also directed not to remove the workmen who have worked for one year and the respondents are further directed to prepare a scheme to absorb these workmen.

That the respondents have re-engaged junior workmen to these workmen and the services of these workmen have been terminated illegally and arbitrarily.

The case of the management is that the reference is not maintainable and the junior employees have not been made party to this reference as their case would be adversely affected.

That DET is not a Industry and the reference is beyond jurisdiction. The applicants are not workmen in view of section 2 (s) of the ID Act, 1947.

That the scheme prepared by the department in pursuance of the judgment of the Hon'ble Supreme Court in AIR 1997 SC 2342 was approved by the Hon'ble Supreme Court in Jagriti Mazdoor Union and MTNL decided on 29-11-1989.

That there are no workers available in the department for absorption of casual labours. The question of directing their absorption and regularization does not arise at all and it has been held by the Hon'ble Supreme Court in 1994 SCC 163.

That the applicants are not regular employees. They are surplus in the department. Their services were dispensed with after payment of retrenchment compensation.

That the applicants were admittedly engaged on casual basis on project undertaken by the respondent

pursuant to electrification of railway track by railways. The engagement of workmen was purely on casual basis. The workmen were engaged for short term work. Their services were not required after completion of the project.

The O/O. GM, Telecommunication, Railway Electrification was established w.e.f. 1-4-1984. The Railway Electrification project of the department of telecommunication is engaged in project which is purely of temporary nature in every respect. The work involved is of shifting and realigning of lines pursuant of electrification of railways tracks. These workers are taken by the department of telecommunications only against the firm demanded placed by the railways authorities.

That the RE project at Agra came to an end and the funds were also almost exhausted. There was no job left to engage these workmen. There is no RE project in the area.

That all the labourers were served one month's notice and they were paid retrenchment compensation. That 82 labourers were finally dis-engaged on 24-06-1990 and remaining 8 senior most casual labourers of Agra were retained for winding up the works. 8 labourers were retained because of work allowed.

That the retrenchment of 82 labourers were done as per seniority of Agra labourers. The seniority is considered from the date the casual labours are on project on muster roll of the project and seniority is prepared accordingly. The seniority and engagement of labours is maintained on the regional level. Principles of first come last go has not been violated. The period of engagement as may be as therefore, to be counted from the day they were brought on the muster roll of Agra project and their seniority maintained accordingly.

The previous working of any casual labours at any other places except the Agra territorial division is irrelevant and denied. The seniority of the regular mazdoor is maintained on divisional basis and not on All India basis.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workmen that they were engaged in Agra Division lastly but they served other divisions. The management has not prepared the combined list. The working days of different divisions of DET have not been counted. The management should have prepared a combined list of all the casual labours as on completion of the project the casual labours are sent to the other division by the management.

It was submitted from the side of the management that the order of the CAT has been set aside by the Hon'ble

Apex Court in relation to direction of the CAT so far it directs preparation of list on All India basis for the aforesaid persons and to allow work to the casual workmen accordingly.

It is correct that the direction of the CAT for preparation of seniority list on All India basis has been set aside by the Hon'ble Supreme Court. The Hon'ble Supreme Court in WP No.1041/1988 has directed on 6-3-1992 that the petitioners may be given the benefit of the scheme referred to.

The management prepared the scheme fixing the cut off date March 30, 1985. The CAT held this scheme in-valid. The government confirmed another scheme known as casual labourers (Grant of Temporary Status and Regularization) Scheme of the department of telecommunications 1989 there under temporary status to be conferred on all casual labourers voluntarily employed and who have rendered continuous service of atleast one year out of which they must have been engaged for work for a period of 240 days in a calendar year. The rights of such temporary employees have been set out in Para - 6 of the said scheme. The petitioners had completed more than one year service and they were engaged for work for period of 240 days in a calendar year. They were held by the Hon'ble Supreme Court to be entitled to the benefit of the scheme.

In the instant case also the management has not denied that the workmen have not worked for 240 days. All the workmen of these two ID cases have worked for more than 240 days and they have been given retrenchment compensation by the management. The payment of retrenchment compensation given to the workmen establishes the fact that they have worked for 240 days in a calendar year i.e that they are found entitled for compensation.

The Hon'ble Supreme Court has set aside the direction of the CAT for preparation of seniority list on All India basis.

My attention was drawn to the circular dated 03-10-1992 referring the previous circular dated 11-03-1992 pursuant to the judgment of the Hon'ble Supreme Court in Civil Appeal No.3792/92 judgment dated 3-9-1992, it has been specifically mentioned in this circular that after the completion of the work and Railway Electrification, the workmen will be transferred to Zonal division and the work performed by the workmen in the division in which work has been completed is to be mentioned in the list against the name of the workmen so that the seniority list be prepared.

It has been also mentioned in the circular that in view of the seniority of the petitioners work should be allotted and they can be transferred to different divisions.

From perusal of the circular it becomes quite obvious that in view of the judgment of the Hon'ble Supreme Court dated 3-9-1992 circular was issued on 03-10-1992 directing

all the divisions to prepare seniority list after adding working days of the workmen and their previous division also. There is no mention of preparing seniority list on All India basis but it has been specifically mentioned that in case the workmen have worked for certain days in one division and they have been transferred to the neighbouring division, the working days of the previous divisions to be considered for their seniority.

In the instant case the management has prepared seniority list overlooking the circular dated 3-10-1992 by Assistant General Director.

The management has not counted the previous working days of these workmen. They have filed certificate that they have been working for almost 5 to 10 years in different divisions.

The management should have transferred these workmen to the neighbouring divisions but they were retrenched on the ground that the project was completed in Agra Division. The circular directs that in case of completion of project the workmen should be transferred to other neighbouring division. The Hon'ble Apex Court has also held that all the workmen who have completed 240 days work in a calendar year should be given the benefit of the scheme. The management has acted in breach of the directions of the Hon'ble Supreme Court dated 06-03-1992.

The management should have prepared a combined seniority list and take into consideration the initial date of engagement of all the workmen. The management considered the seniority of the workmen in Agra Division only and they have been removed on the basis of that seniority.

It was submitted by the management that these workmen were engaged on project in Agra Division. On completion of the project after payment of retrenchment compensation they have been retrenched.

It becomes quite obvious from perusal of the circular dated 17-10-1988 which has been issued to all desk of telecommunication division, telephone district and other units including Civil Wing. It has been mentioned in this circular that a combined seniority list of all the casual labourers in respect of recruitment unit will be maintained. This list will include all casual labourers working within the territorial jurisdiction of the recruitment unit for various functional units such as telecom projects/maintenance /electrification/ quality assurances etc. to which they are attached. According to this circular a combined seniority list is to be prepared of various functional units such as telecom project, maintenance regions, electrification, quality assurances etc. No such combined seniority list has been placed on record.

The management has prepared seniority list of casual labourers of Agra RE project and it has been filed on record but the combined seniority list has not been filed on the record.

It also becomes quite vivid from circular dated 30-10-1992 issued from Assistant General Director, Sanchar Bhawan, Ashok Road, New Delhi that railway electrification work has been completed in which the workmen were engaged after 30-03-1985. These workmen should be transferred to the neighbouring division and the list should also be prepared disclosing the working days of the workmen in different divisions and the combined seniority list be prepared.

According to this circular also the workmen are to be transferred to neighbouring regions in case railway electrification project has been completed.

It has also been mentioned in this circular that the working days of the workmen of different divisions should be considered and a seniority list should be prepared on the basis of the working days of the workmen of all the divisions. There is specific direction in this letter that on completion of the project the workmen should be transferred to the neighbouring regions.

The workmen in the instant case have worked in different divisions previously which is vivid from the certificate issued by the management.

According to the two circulars referred to above the workmen on completion of the project are to be transferred to neighbouring divisions and the working days of the workmen of different regions are to be mentioned in preparation of the combined seniority list.

It is admitted to the management that the seniority list of the workmen have been prepared on the working days in Agra Division only. The working days of the other divisions have not been considered whereas according to the above mentioned circular the working days of the other divisions are to be considered while preparing the combined seniority list. The management has acted in breach of the above circular referred to above.

It is true that the management has obtained permission of the competent authority for payment of retrenchment compensation to these workmen and the workmen have been removed after obtaining permission of the competent authority but permission has been obtained against the circular mentioned above.

It was the duty of the AE of the Agra division to mention the working days of these workmen of different divisions. The workmen have been working in different divisions for almost 10 years. They have worked for more than one year even in Agra Division. The management has not prepared the combined seniority list and has acted in violation of the directions issued by the Assistant General Director to all the regions as mentioned above.

The only plea of the management is that the project in Agra division was completed and the workmen became surplus so permission for retrenchment was sought and

they were retrenched. The circular mentioned also clearly indicates that the workmen should be transferred to other divisions after completion of one project and combined seniority should be maintained.

In the circumstances the workmen of these two ID cases i.e. ID No. 117/1991 and 86/1991 are entitled to the benefits of the scheme of 1989. The management has retained the juniors and the seniors have been retrenched. The management has acted in violation of section 25 F, G & H of the ID Act, 1947.

It becomes quite vivid from perusal of the certificate issued by the management that Sh. Munish Prasad has worked for 487 days in 1989—1990 and 235 days in 1988. Sh. Mohan Lal has worked for 768 days in 1989—1990 besides previous years. Sh. Ghanshyam has worked more than thousand days and Sh. Lalchand Kumar has worked for 748 days. These are the certificate issued by the management and in these certificates the working of the other division has not been mentioned. According to the own admission of the management these workmen have worked for more than 240 days when a scheme for temporary status was prepared in the year 1989.

The Hon'ble Supreme Court affirmed the view of CAT that all the workmen who have performed 240 days should be given temporary status.

From perusal of the certificates of all the workmen of both the ID cases, it becomes quite obvious that they have worked for more than 240 days when the scheme was prepared in 1989 and the management has not illegally considered their case for conferring of temporary status.

In view of circular dated 03-10-1992 the working days of the previous divisions are to be counted while preparing seniority list. The management has admitted that only the working days of Agra Division has been counted in preparing the seniority list of the workmen.

As referred above all the workmen have performed more than 240 days while a scheme of 1989 was prepared. They had also worked in different divisions. These workmen have been working for more than 5—10 years at the time of preparation of the seniority list. The Hon'ble Apex has also directed that temporary status should be conferred on the workmen who have performed 240 days work.

The management in violation of circular dated 03-10-1992 and the direction of the Hon'ble Apex Court has retrenched the workmen after payment of retrenchment compensation. The management should have considered the working days of other divisions in preparing the seniority list.

That the junior to the workmen have been conferred temporary status whereas these workmen have been illegally retrenched. The workmen are manual labourers. They must be doing some job off and on for their livelihood. In

the circumstances they are entitled to only 25% back wages. The workmen deserve reinstatement with 25% back wages w.e.f. from the date of their retrenchment.

The reference is replied thus:

The action of the management of DET (RE), New Delhi was not justified in terminating the services of S/Sh. Munshi Prasad, Mohan Lal, Ganesh Kumar, Ram Sagar, Badri Prasad, Mewa Lal, Shanshyam Sharma, Gajanand Dwarikalal, Suresh Prasad, Lalendra Kumar and Shatrughan and also not preparing correct seniority. The management should give temporary status to these workmen w.e.f. the date of termination of their services. The management should reinstate the workmen along with 25% back wages w.e.f. the date of their retrenchment within two months from the date of the publication of the award.

The action of the management of DET (RE), New Delhi in terminating the services of S/Shri Kesheo Deo, Sukhbir Singh, Baboolal, Jawahar Lal, Pooran Singh, Rameshwar Singh, Mahabir Singh, Prem Singh, Shiv Charan, Netrapal Singh, Raman Lal, Hardam Singh, Geetam Singh, Shashipal Singh, Jaipal Singh, Bani Singh, Sant Pal, Beeri Singh, Bhagwat Prasad, Bhatwat Singh, Ashok Kumar, Suresh Chandra, Shir Prakash, Ram Prakash, Roop Singh and Umed Singh is not justified. The management should give temporary status to these workmen w.e.f. the date of termination of their services. The management should reinstate the workmen along with 25% back wages w.e.f. the date of their retrenchment within two months from the date of the publication of the award.

The award is given accordingly.

Date: 22-07-2008

R.N. RAI, Presiding Officer

नई दिल्ली, 24 जुलाई, 2008

का. आ. 2303.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा-17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग, रेलवे इलेक्ट्रिफिकेशन प्रोजेक्ट के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 68/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-7-08 को प्राप्त हुआ था।

[संख्या एल-41011/6/91-डी-II(बी)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th July, 2008

S.O. 2303.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref.No. 68/99) of

the Central Government Industrial Tribunal cum Labour Court, No. II New Delhi, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Telecom, Railway Electrification Project, and their workman, which was received by the Central Government on 24-07-2008.

[No. L-41011/6/91-D.II(B)]

SURENDRA SINGH, Desk Officer

ANNUXERE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT - II, NEW DELHI

Presiding Officer: R.N. RAI

I.D. No. 68/1999

IN THE MATTER OF:

Sh. Keshav Dev & 34 Ors
S/o. Radhey Shyam, Vill: Attarla,
P.O. Vishwar, Distt: Mathura (UP) - 231001. - Claimant

VERSUS

The Divisional Engineer(T),
Railway Electrification Project,
B - 1/10, Community Centre, Janakpuri,
New Delhi - 110058.

The Chief General Manager, (Telecom),
Lucknow (UP) - 226001. - Respondents

AWARD

The Ministry of Labour by its letter No. L-41011/6/91-D.II-(B) CENTRAL GOVERNMENT D.T. 25-02-1999 has referred the following point for adjudication.

The points run as hereunder:

“Whether the action of the management of Vehicle Factory of DET (RE), New Delhi in terminating the services of 35 workmen (as per list enclosed) is legal and justified ? If not, what relief the workmen are entitled to.”

The reference dates back to 1999 whereas the claim statement of 1991 has been filed. The services of the workmen were terminated on 26-05-1990. The reference is regarding termination of services of 35 workmen of Vehicle Factory of (RE), New Delhi. The reference itself is time barred.

It has been held in (2001) 6 SCC 222 as under:

“Law does not prescribe any time limit for the appropriate government to exercise its powers under

section 10 of the Act. It is not that this power can be exercised at any point of time and to revive matters which had since been settled. Power is to be exercised reasonably and in a rational manner. There appears to us to be no rational basis on which the Central Government has exercised powers in this case after a lapse of about seven years of the order dismissing the respondent from service."

In the instant case reference has been made after a delay of long nine years. Limitation Act is not applicable in ID cases but stale cases should not be considered. Delay in the instant case is inordinate and relief can be rejected on the ground of delay alone.

No proper claim has been filed. The photocopy of the claim of ID No. 86 / 1991 has been filed. The reference and claims are not maintainable.

The reference is replied thus:

The action of the management of Vehicle Factory of DET (RE), New Delhi in terminating the services of 35 workmen (as per list enclosed) is legal and justified. The workmen applicants are not entitled to get any relief as prayed for.

The award is given accordingly.

Date: 18-07-2008

R.N. RAI, Presiding Officer

नई दिल्ली, 24 जुलाई, 2008

का. आ. 2304.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा-17 के अनुसरण में, केन्द्रीय सरकार सी.पी. डब्ल्यू.डी. के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 197 /99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-7-08 को प्राप्त हुआ था।

[संख्या एल-42011/35/99-आईआर(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th July, 2008

S.O. 2304.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref.No. 197/99) of the Central Government Industrial Tribunal cum Labour Court, No. II New Delhi, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of CPWD, and their workman, which was received by the Central Government on 24-07-2008.

[No. L-42011/35/99-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT - II, NEW DELHI

Presiding Officer: R.N. RAI

I.D. No. 197/1999

IN THE MATTER OF:

Sh. Dilip Kumar,
C/o. Room No.95, Barracks No. I/10,
Jamnagar House, Shahjahan Road,
New Delhi - 110011.

VERSUS

The Executive Engineer,
J Division, CPWD,
East Block, R.K. Puram,
New Delhi - 110066.

AWARD

The Ministry of Labour by its letter No.L-42011/35/99 IR(DU) CENTRAL GOVERNMENT DT.13-09-1999 has referred the following point for adjudication:

The point runs as hereunder:

“Whether the action of the Executive Engineer, CPWD, New Delhi in getting the work done from Sh. Dilip Kumar, Beldar on Inquiry Counter as LDC continuously since 04-01-1985 i.e. more than 13 years without regularizing him as LDC and also not paying him the LDC pay scale of Rs.260-400 and Rs.950-1500 from time to time and its benefits is justified, fair and legal? If not then what relief and benefits the workman is entitled to.”

The case of the workman is that he was performing his duties as counter clerk in sub-division - 3, Sarojni Nagar, Service Center. He is 10th pass. The counter clerks performing the duties are in the time scale of 260-400, 950-1500, 3200-4500 from time to time

That the workman performed the work of inquiry clerk up to 01-01-1997 and he had been performing his duties since 1985 and its work was handedover to some contract labour. At present he is performing the duties of Beldar.

That he was initially engaged on muster roll for discharging his duties as inquiry clerk w.e.f. 14-01-1985 but he was designated as Beldar and subsequently his services were arbitrarily regularized as Beldar w.e.f. 23-05-1993 but he performed his duties as inquiry clerk up to 31-12-1996.

That he made representation in the year 1997 for regularization at the post of inquiry clerk. He has performed the duties of inquiry clerk for more than 13 years and has

acquired the status of a permanent workman and he should be paid the time scale of LDC.

The case of the management is that the workman was engaged in the category of work charge muster roll casual labour. Sometimes the literate Beldar wanted to perform some light nature of duties and expressed their willingness to note down the complaints etc. at CPWD. They were allowed to note down such complaints in the absence of LDC. The post of LDC is filled up by a combined competitive examination as per recruitment rules. Such LDCs are supposed only to note down the complaints but are also required to perform other clerical jobs by typing, diarising and dispatching and maintenance of office records in a proper manner.

The workman was engaged as casual labour in the category of Beldar and subsequently regularized as Beldar in the year 1993. He never raised any objection at the time of his regularization at the post of Beldar. That he might have been allowed to note down the complaints as and when required and that too at his willingness for his own interest to avoid physical labour.

There is no provision for appointing a Beldar as Inquiry Clerk. That once there is no class/cadre of Inquiry clerk as such besides there being no comparison of noting down complaints as time gap arrangement and performing duties of regular LDCs.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he performed the duties of Inquiry Clerk from 1985 to 12-12-1996. He was regularized as Beldar in the year 1993. The management asked him to note down the complaints and he performed the duties of Inquiry Clerk so he should be regularized at the post of Inquiry Clerk.

It was submitted from the side of the management that there is no post of Inquiry Clerk. LDCs are appointed after selection through SSC. There is no provision for recruiting LDCs from among Beldar who sometimes noted down the complaints to avoid physical work.

From the circular dated 09-09-1999 it becomes quite obvious that the workmen were categorized as un-skilled, semi skilled and skilled. It has been specifically mentioned in this circular that it is in respect of those workers who were on the role of the CPWD on 01-04-1981 and is not applicable to any kind of daily rated workers. It has been

done in view of judgement of Hon'ble Delhi High Court dated 25-09-1998.

It appears that the workman has moved this application after an OM dated 09-09-1999 but this OM is applicable only to those workers who were on muster roll from 01-04-1981 whereas this workman joined as Beldar on 01-04-1985 so this circular is not applicable to him.

The workman has admitted in his cross-examination that he did not lodged any protest and immediately in the year 1993 when he was regularized as Beldar. He has also admitted that the employees working on inquiry counter were only to register complaints. He has also admitted that he did not do the work of noting down complaints on any written orders of the management.

Circular dated 09-09-1999 is as one time measure for categorizing the workmen in view of the judgment of the Hon'ble Delhi High Court. This circular is applicable to those workmen who joined on 01-04-1981. This workman has joined on 01-04-1985 so he is not covered under the circular.

This workman has admitted that he noted down the complaints. The duties of LDCs are much more heed. This workman has simply noted down the complaints so it cannot be said that he has all the qualifications of LDCs.

The workman was regularized as Beldar in 1993 and he did not raise any objection to his regularization. In the circumstances he estopped from raising the dispute after a gap of six years in view of the circular dated 09-09-1999. The workman is not covered by the circular dated 01-04-1981. However, the workman has done the job of noting down the complaints, the management should make payment to him or his extra work. He is entitled to the arrears from 01-04-1985 to 12-12-1996 in view of his extra work of noting down the complaints and he is entitled to only arrears of wages of semi-skilled from 01-04-1985 to 12-12-1996. He is not entitled to be regularized on the post of LDC.

The management should notionally treat his pay scale in view of the circular dated 09-09-1999 and make him payment of arrears from 01-04-1985 to 12-12-1996 as the management witness has admitted that he sometimes discharged the duties of noting down the complaints.

The reference is replied thus:—

The action of the Executive Engineer, CPWD, New Delhi in getting the work done from Sh. Dilip Kumar, Beldar on Inquiry Counter as LDC continuously since 04-01-1985 i.e. more than 13 years without regularizing him as LDC and also not paying him the LDC pay scale of Rs. 260-400 and Rs. 950-1500 from time to time and its benefits is neither justified nor fair nor legal. The workman is only entitled to the arrears of notional pay of LDC (-) minus the wages already drawn. He is not entitled to be regularized as LDC.

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The management should make payment of arrears of wages of skilled workman within two months from the date of the publication of the award.

The award is given accordingly.

Date : 22-07-2008

R.N. RAI, Presiding Officer

नई दिल्ली, 24 जुलाई, 2008

का. आ. 2305.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा-17 के अनुसरण में, केन्द्रीय सरकार एवं एफ. रेलवे के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 17/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-7-08 को प्राप्त हुआ था।

[सं. एल-41012/154/2005-आई.आर.(बी-1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th July, 2008

S.O. 2305.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby published the award (Ref. No. 17/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Guwahati, as shown in the Annexure, in the Industrial Dispute between the management of N.F. Railway, and their workman, received by the Central Government on 24-07-2008.

[No. L-41012/154/2005-IR(B-1)]

SURENDRA SINGH, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI, ASSAM PRESENT

**Shri H. A. Hazarika, Presiding Officer,
CGIT-cum-Labour Court, Guwahati.**

Ref. Case No. 17 of 2006

In the matter of an Industrial Dispute between :

The Management of N.F. Railway, Maligaon, Guwahati.

Vrs.

Their workman Sri Premalal Neopani.

APPEARANCES

For the Management : Mr. S.N. Choudhury, Rly. Advocate.

For the Workman : Mrs. M. Bora, Advocate.

Date of Award: 18-07-2008.

AWARD

1. The Government of India, Ministry of Labour, New Delhi, vide its Order No. L-41012/154/2005-IR(B-1) referred this Industrial Dispute arose between the employers in relation to the management of the General Manager (P). N.F. Railway, Maligaon, Guwahati and their workman Sri Premalal Neopani to adjudicate and to pass an award on the strength of powers conferred by Clause(d) of sub-Section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) on the basis of the following Schedule :

SCHEDULE

“Whether the action of the management of N.F. Railway in depriving Shri Premalal Neopani, Motor Driver in the matter of promotion in comparison to Sri Chintamani Sarma? If not, to what relief Sri Neopani is entitled to?”

2. On being appeared by both the parties the proceeding is proceeded here for disposal bearing numbered 17/2006 as per Procedure.

3. The case of the workman in brief from his evidence that he is presently working as Motor Driver under N.F. Railway, Maligaon. When he was not promoted this Reference matter was developed. But meanwhile he got his legitimate promotion and no longer aggrieved against his authority, N.F. Railway, the management. After promotion he is happily passing his days as Motor Driver. He has got no complain against the management, N.F. Railway. In his W.S. also he submitted that he is no longer aggrieved and by this time he got his legitimate promotion.

4. The case of the management as from the cross examination done by the Learned Advocate for the management Sri S. N. Choudhury is that the workman has got no grievance against the management as he has already got the legitimate promotion.

5. Heard argument submitted by learned Advocate Smt. M. Bora for the workman and Mr. S. N. Choudhury, Advocate for the management.

6. On careful scrutiny of the evidence, I find meanwhile the workman has got his legitimate promotion and he is no longer aggrieved against the management. He has got no claim in relation to the referred matter against the management. Accordingly, I find the N.F. Railway, committed no injustice to the workman as the workman meanwhile got his legitimate promotion. Hence, prepare the Award as the workman is satisfied.

7. Prepare the Award and send is to the Government confidentially as per procedure.

H. A. HAZARIKA, Presiding Officer

नई दिल्ली, 24 जुलाई, 2008

का. आ. 2306.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चण्डीगढ़ नं.-1 के पंचाट (संदर्भ सं. 187/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-07-2008 को प्राप्त हुआ था।

[सं. एल-12012/274/1991-आई.आर. (बी. III)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th July, 2008

S.O. 2306.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No.187/91) of the Central Government Industrial Tribunal-cum-Labour Court-I, Chandigarh, as shown in the Annexure, in the Industrial dispute between the management of State Bank of India, and their workmen, received by the Central Government on 24-07-2008.

[No. L-12012/274/1991-IR (B-III)]

SURENDRA SINGH, Desk Officer
ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.

Case I.D. No. 187/91

Sh. J.G. Verma, General Secretary, State Bank of India, Staff Congress 3135/22-D, Chandigarh.

Applicant

Versus

Regional Manager, Region II, State Bank of India
141 A/D, Gandhi Nagar, Jammu.

Respondent

APPEARANCES

For the workman: Sh. Raj Kaushik

For the management: Sh. D.P. Garg.

AWARD

Passed on 16-7-08

Central Government *vide* Notification No. L-12012/274/91-IR(B-III) dated 13-1-91, referred the following industrial dispute for adjudication on account of failure of the conciliation proceedings in the office of Conciliation Officer:—

“Whether the action of the management of State Bank of India, Jammu, in dismissing Shri D.T. Manusukhani w.e.f. 9-5-90 is justified? If not, to what relief the workman is entitled to?”

As per the pleadings of the parties, the workman was dismissed from the service on 9-5-90 on the ground of fraudulent withdrawal from the non-operational accounts. As per the documents available on record, Shri Manusukhani was charge sheeted on 8-1-88 for withdrawal of the account from the non-operational saving bank accounts of different account holders as follows:—

Date	Particulars	Withdrawals	Balance
	Inoperative Savings		
	Bank Account		
29-10-86	A/c No. 1392 Smt. Jasodha Devi (deceased) and Smt. Krishna Bakshi	2,830.90	
04-11-86	A/c No. 25950 of Smt. Prem Rani Kapai	22,138.55	
14-11-86	A/c No. 7698 of Sardar Prithpal Singh	14,912.61	
19-11-86	A/c No. 2790 of Sant Pindi Dass	7,878.98	
18-12-86	A/c No. 15752 of Sh. Kidar Nath Khosla (deceased).	16,456.11	
18-12-86	A/c No. 1651 of Sh. Surjit Singh (deceased)	6,358.25	70,575.40
	Dormant SB Account		
6-7-87	A/c No. 26905 of Smt. Anuradha Sharma	3,000.00	
6-7-87	-do-	3,000.00	
7-7-87	-do-	3,000.00	
21-7-87	-do-	3,000.00	
25-7-87	-do-	3,000.00	
25-7-87	-do-	500.00	
7-7-87	SB A/c No. 26988 of Sh. Sarwan Kumar		
09-07-87	-do-	3,000.00	
21-07-87	-do-	3,000.00	

An inquiry was conducted. The enquiry officer gave the report with the finding that the charges leveled against the workman were well proved. The disciplinary authority after affording the opportunity of personal hearing, dismissed the workman from the service on 9-5-90. Shri Manusukhani preferred an appeal against the dismissal order which was dismissed by the appellate authority on 13-11-90. Aggrieved with the dismissal order, as confirmed by the appellate authority, Shri Manusukhani preferred this reference.

The workman has alleged that the inquiry was conducted against the service rules of the bank and the principle of natural justice was not followed. He was

compelled by the Manager of the bank to write as many as 4 confessional letters regarding those accounts which were closed during the period the workman remained in the seat as an officiating officer. The Branch Manager, Jammu Branch also coerced the workman to put his signature on the credit vouchers which show the deposit being made by the workman whereas, the source of deposit was not known. Apart from it, the workman has also pleaded some facts which are beyond the scope of reference such as forcibly taking away the share certificates from the house of the workman by this Branch Manager and non payment of subsistence allowance during the period of suspension.

The management of the bank has alleged that the workman voluntary confessed for his wrongful act. There was no pressure on him for confession. He voluntarily deposited the amount which he withdrew fraudulently from the non operational accounts.

Both of the parties were afforded the opportunity for adducing evidence. The workman filed his affidavit paper No. 25, whereas, on behalf of the management of the bank, Shri Keshav Rai Saini filed the affidavit as paper No. 54. Both of these witnesses were cross-examined by the opposite party respectively.

The arguments of the management of the bank were heard on 30-5-01. No. one turned up for the workman. In spite of the proper opportunity afforded by this Tribunal and also considering the age of this case, the file was reserved for Award. Vide order dated 12-06-08, it is evident, that the file relating to the inquiry proceedings was not on record. Accordingly, this Tribunal passed the order directing the management to provide the copy of inquiry report and the inquiry proceedings to facilitate the Tribunal for passing the Award. The management of the bank informed this Tribunal that the entire record including the inquiry file has been lost in transit during shifting the office from Srinagar to Jammu. An affidavit in this regard has already been filed by the management.

Thus, in absence of the inquiry report and the proceedings of the inquiry, I am bound to dispose of this reference on the basis of oral evidence of the parties and on the basis of the documents which are on record and are admitted/well proved.

In his cross-examination, the workman Shri D.T. Manusukhani has admitted that there was some fraud in withdrawal of the amount in non-operational accounts of Jasoda Devi, Preet Pal Singh, Prem Ravi Kapahi, Sant Pindi Dass, Kedarnath Khosla and Dr. Sukhbeer Singh in Branch. The workman has also stated in his cross-examination that he was forced to confess. He was denied to deposit the amount as fraudulently withdrawn from the bank but in his cross-examination, he has admitted his signatures on

all the confessional letters and the deposit vouchers. It means that Shri Manusukhani, in his cross-examination, is admitting the writing of the confessional letters and his signatures on the deposit vouchers, but, is agitating it on the ground that he confessed through those letters as he was forced to do so by the then Manager of the Branch and he signed the vouchers whereas, he do not know the source of depositing the amount. He has also admitted in his cross-examination that he has not moved any application to the higher authorities of the bank against the conduct of enquiry officer pressurizing him for the confessional statement and for putting on his signature on the deposit vouchers. He has also admitted that full opportunity by the enquiry officer was given to him for hearing. He also produced the defense witnesses in the domestic inquiry. He has further admitted that disciplinary authority also provided him the opportunity of personal hearing.

Shri Keshav Rai Saini was also cross-examined by learned counsel of the workman. He has stated that all the complaints on request of workman were taken on record of the domestic inquiry file. The findings on inquiry report are not only passed on the confessional statement of the workman but on the statement of witnesses and other documents.

It is not possible for this Tribunal to comment whether all the complaints were taken on record by the enquiry officer? Whether all the complaints were examined and what procedure was followed by the enquiry officers because the enquiry report and the proceedings of enquiry are not on record. Entire file containing the proceedings and the report have been reported to be lost vide affidavit M15. Thus, before this Tribunal, there are the copies of confessional statements and copies of the vouchers through which the workman is said to deposit the amount and the oral evidence of the parties on the basis of which the entire reference has to be disposed of.

As per the provisions contained in the Industrial Disputes Act, if it is found by the Tribunal that the case is of or no inquiry or the inquiry is found to be non genuine, then the Court can conduct its own inquiry during the proceedings before the Tribunal and decide the reference accordingly. Thus, this reference will be disposed of on the basis of the evidence recorded by the Tribunal itself and on the basis of the document filed by the parties during the proceedings before this Tribunal.

It has to be determined by this Tribunal whether the confessional letters written by the workman are genuine? Whether the workman has written these confessional letters forcibly? Likewise, the Tribunal has also determined whether the vouchers through which the workman is said to deposit the amount have been signed by him voluntarily?

The writing of confessional letters and the signatures on the confessional letters and vouchers are admitted to the workman. If the workman is stating before this Tribunal that he was forced to write these confessional letters, he has to prove the fact of writing these letters forcibly. He has specifically stated in his cross-examination that he has not made any complaint against the conduct of enquiry officer pressurizing and forcing him for writing the confessional letters. Shri Manusukhani is a man of prudent working in a financial institution and it is supposed and expected from him that he knows the consequences of any act done by him. He has not been able to show before this Tribunal that what were the circumstances compelling him to write the confessional letters under force or pressure? Thus, in the opinion of this Tribunal, it is just a casual statement, to escape from the liability. Likewise, there is no even iota of evidence on record to show that the signatures of the workman on the vouchers through which the amount which is said to be withdrawn fraudulently from non operational accounts was deposited in the bank were obtained forcibly. These are too important piece of evidence which are admitted to the workman that he confessed to his guilt and deposited the entire amount which is said to be withdrawn fraudulently from the non operational accounts. Thus, the misconduct of the workman before this Tribunal through the proceedings conducted by the Tribunal is proved that he withdrawn the money as mentioned in the charge fraudulently from the non operational accounts and misappropriated this amount for his personal use. Thus, the workman was rightly dismissed from the service by the disciplinary authority and this Tribunal feels no requirement to interfere in the order of dismissal by the disciplinary authority. The signatures on the vouchers, proved that Shri Manusukhani has himself deposited the entire amount. Thus, he has voluntarily confessed for all the fraudulent withdrawal and voluntarily deposited the amount, No. other evidence so far is required to prove his misconduct. Hon'ble the High Court of Punjab and Haryana in Nirmal Kaur Vs. Indian Red Cross Society, Punjab and others 02(3), SCT-82 has held that when petitioner himself admits the act of forgery he cannot say that he was not heard properly in departmental proceedings. As stated earlier, that he voluntarily wrote and signed the confessional letters and also signed the vouchers and also deposited the amount, withdrawn fraudulently.

Accordingly, this reference is disposed of, Central Government be informed. File be consigned.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 24 जुलाई, 2008

का. आ. 2307.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आई.सी.आई. बैंक लि., के प्रबंधतंत्र के संबद्ध नियोजकों और

उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चैन्सिल के पंचाट (संदर्भ सं. 110/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-07-2008 को प्राप्त हुआ था।

[फा.सं. एल-12011/27/2004-आई.आर.(वी.1.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th July, 2008

S.O.2307.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No.110/2005) of Central Government Industrial Tribunal-cum-Labour Court Chennai, as shown in the Annexure, in the Industrial dispute between the management of ICICI Bank Ltd., and their workmen, received by the Central Government on 24-07-2008.

[F.No. L-12011/27/2004-IR(B-1)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT

Thursday, the 26th June, 2008

Present : K. Jayaraman, Presiding Officer

Industrial Dispute No. 110/2005

[In the matter of the dispute for adjudication under clause (d) of sub-section (i) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of ICICI Bank Ltd., and their workmen]

BETWEEN

ICICI Bank Employees Union 1st Party/Petitioner
(Rep. By its General Secretary)
Annasalai
Chennai

AND

The Management of ICICI Bank Ltd.,
ICICI Bank Towers
8th Floor, West Wing
93, Santhome High Road
Chennai

2nd Party/Management

APPEARANCE

For the Petitioner : M/s P. Chandrasekaran, Advocates
For the Management : M/s S. Ramasubramaniam & Associates

AWARD

The Central Government, Ministry of Labour vide Order No. L-12011/27/2004 [(IR (B-1)] dated 19-09-2005 has referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

"Whether the action of the management of ICICI Bank Ltd. in effecting transfer of 33 workmen (as per list enclosed) is justified or not? If not to what relief they are entitled to?

2. After the receipt of Industrial Dispute, this Tribunal has numbered it has ID 110/2005 and issued notices to both sides. Both sides entered appearance through their Advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement are briefly as follows :

The petitioner union espouses the cause of 33 members of their union on the allegation that the Respondent Management issued a mass transfer orders on various dates beginning from 14-06-2003, the said transfer orders are per se malafide amounting to unfair labour practice with the intention of easing out the employees by forcing them to accept the Early Retirement Option (ERO) i.e. Voluntary Retirement Scheme (VRS). The members of the petitioner union were originally employees of Bank of Madura Ltd. The Reserve Bank of India (RBI) approved the scheme of merger w.e.f. 10-03-2000. One of the conditions of the merger was that the employees of erstwhile Bank of Madura Ltd. will stand transferred to the ICICI Bank and their terms and conditions of service will not to be less favourable than what was obtained by them as employees of Bank of Madura Ltd. There is no separate union in the ICICI Bank for its clerical and sub-staff etc. The erstwhile Bank of Madura Ltd. employees continue to be the members of the union and the union changes its name from Bank of Madura Employees Union to the present name viz. ICICI Bank Employees Union. The ICICI Bank though wants the Bank of Madura, it did not want its employees. Therefore, a lot of discrimination has been meted out to the employees of erstwhile Bank of Madura Ltd. While so, on 17-06-2003, the ICICI Bank proposed a scheme viz. early Retirement Option Scheme in which the Respondent Bank wants to cut the work force and substitute its present employees with low cost employees. Only for this purpose, the Bank introduced the ERO/VRS. The members of the petitioner union are not interested for opting for ERO but the erstwhile employees of Bank of Madura having been in service for number of years are the only employees who would be eligible for opting for VRS. Thus, the Respondent Bank wants the members of the petitioner union either to opt for the scheme or to suffer transfer to some distant place. Therefore, the order of transfer is illegal made with malafide motive and, therefore, the petitioner union prays this Tribunal to pass an award holding that the orders of transfer issued by the Respondent Bank to the workmen involved in the present Industrial Dispute to be malafide, illegal and void and also prays consequential relief with a

direction for reporting to the original station and with all other benefits.

4. As against this, the Respondent in his Counter Statement contended that the present petition filed by the petitioner union is infructuous and liable to be dismissed as the immediate cause of action for the petition itself no longer exists since the employees involved in the present dispute have already been relocated back to the place from where they were transferred and no dispute exists and no issue is pending for adjudication. Out of 33 employees on whose behalf the current petition is filed, 10 clerical employees have been promoted as Sr. Officers in November, 2005 and they are no longer in Clerical cadre. Without prejudice to the above contention, the Respondent further contended the Respondent is a Banking Company within the meaning of Banking Regulations Act with which Bank of Madura Ltd. merged pursuant to the sanction of RBI in 2001, the Respondent Bank is the largest private sector bank and it has got more than 569 branches and extension counters and about 2000 ATMs, for effective working and to improve efficiency and in order to provide fast and efficient service to the customers in all the branches of the Respondent Bank as well as for the benefit of employees, the Respondent Bank was required out of business exigencies to relocate some of their experienced employees. Further, transfer is a service condition for all employees and the transfers in the present dispute have been effected with a view to effect smooth functioning of the Bank due to the changed business scenario subsequent to the merger of Bank of Madura Ltd. and other group companies of ICICI with ICICI Bank. It is not possible for the Respondent Bank to keep an employee stationary at one place which would have been detrimental for both viz. in the interests of employee and the organization. In accordance with practice, the Respondent Bank has transferred 216 person in the year 2002. Similarly, in the year 2003, it has transferred 155 members out of 10,000 employees of ICICI Bank excluding the erstwhile Bank of Madura employees. As of April, 2003, 635 employees have been transferred during the year 2003 and out of 1200 clerical employees of erstwhile Bank of Madura, only 138 employees have been transferred and the employees who have served with the transfer orders have been relieved barring a few employees. Though, the petitioner union has filed a batch of Writ Petitions challenging such transfer before the Hon'ble High Court, the full bench which heard the case vide its order dated 05-05-2004 dismissed all the WPs stating in the issues of transfer and such related issues, no WP is maintainable against private bodies. As such, it held that the petitions are not maintainable and dismissed the same. Even after that finding, the petitioner union had adopted illegal means by staging dharnas, picketing outside the Chennai Main Branch premises of the Respondent Bank in utter disregard to the order of injunction passed by the High Court on 04-07-2003. Hence, for all these reasons the Respondent

prays to reject the representation filed by the workmen union with costs.

5. Points for consideration are :

- Whether the action of the Respondent Management in effecting transfer of 33 workmen is justified or not?
- To what relief they are entitled to?

Point No. 1

6. The petitioner union has raised this dispute espousing the cause of 33 workmen who have been transferred by the Respondent Bank. According to the petitioner, the transfer orders issued against the 33 members of the petitioner union are illegal, unjust and, therefore, the order has to be set aside. But after filing the proof of affidavit when the petitioner's witness was examined, he has stated in the cross-examination that after filing his proof affidavit, the matter was settled and the Management has re-transferred all the workmen affected in this Industrial Dispute and the union has no grievance against the Management with regard to this matter. He further deposed that the matter mentioned in this ID has been amicably settled and there is no further issue to be settled in this case. Under such circumstances, there is no dispute as alleged by the petitioner union now, therefore, I find the dispute has to be disposed accordingly and I find this point against the petitioner.

7. Point No. 2

The next point to be decided in this case is to what relief the concerned employees are entitled to?

In view of the admission made by the General Secretary of the petitioner union that there is no grievance now with the Management and all the members mentioned in the ID have been re-transferred by the Management to their original position, I find the members of the petitioner union are not entitled to any relief as claimed by them.

7. Thus the reference is disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 26th June, 2008)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the I Party/Petitioner : WWI Sri M. Lakshmanan
For the II Party/Management : None

Documents marked :—

On the petitioner's side

Ex. No.	Date	Description
	Nil	

On the Management's side		
Ex. No.	Date	Description
	Nil	

नई दिल्ली, 25 जुलाई, 2008

का.आ. 2308.—औद्योगिक विवाद अधिनियम, 1947 (1947

का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार अमरीकन एक्सप्रेस बैंक लि., के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नई दिल्ली नं.-II के पंचाट (संदर्भ सं. 25/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-7-2008 प्राप्त हुआ था।

[फा.सं. एल-12012/116/1998-आईआर (बी.1)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 25th July, 2008

S.O. 2308.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.25/1999) of Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi, as shown in the Annexure, in the Industrial dispute between the management of American Express Bank Ltd., and their workmen, received by the Central Government on 25-7-2008.

[F.No. L-12012/116/1998-IR(B-1)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,

NEWDELI

Presiding Officer : R.N. Rai.

I.D. No. 25/1999

IN THE MATTER OF :—

Shri Bijender Kumar & Ors;
C/o. American Express Bank Limited,
31-32, Community Centre, Vasant Vihar,
New Delhi-110057.

VERSUS

M/s. American Express Bank Limited,
31-32, Community Centre, Vasant Vihar,
New Delhi-110057.

AWARD

The Ministry of Labour by its letter No. L-12012/116/98/IR(B-1) Central Government Dt: 31-12-1998 has referred the following point for adjudication.

The point runs as hereunder—

“Whether the action of the management of M/s. American Express Bank Limited (TRS) in not regularizing Sh. Bijender Kumar, Akhil Kumar Gupta, Gurinder Singh, Rajpal Singh, Rakesh Kumar and Rajesh Kumar Saxena since 01-03-1994, 26-07-1994, 15-03-1994, 25-06-1994, 14-12-1996 & 01-10-1993 respectively is just, fair and legal? If not, what relief they are entitled to.”

The case of the workmen is that they have been appointed by the respondent after holding proper selection through interview which was conducted by the official of the management. They were employed on being found fit. To deprive the workmen of entitlement under various enactments including minimum wages act and intermediary was introduced in the form of contract by the management.

The intermediary is sham entity and has no role to play in discharging the duties of by the workmen as the work is assigned to the workmen by the officials of the management and the workmen regularly to the said officials and the officials supervised their routine work. That the workmen have been selected by the officials of the bank and they have been working under their supervision and control. The contract is sham. The workmen should be regularized.

The case of the management is that the Desk Officer has no legal and valid authority to make the terms of reference. None of the claimants have employer and employee relationship with the management and the workmen and as such the terms of reference is without jurisdiction.

That the claimants are the employees of M/s. Unique Home Maintenance Pvt. Limited which was a party in the proceedings in conciliation. They made their averments in the conciliation but they have not been made a party in the reference.

That the workmen have not been appointed by the management. The management entered into an agreement with M/s. Unique home Maintenance Private Limited for courier services. The workmen worked under the control and supervision of the said company. Payment to them was made by the said company. They performed courier services for the company.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

heard argument from both the sides and perused the papers on the record.

It transpires from perusal of the order sheet that the case was posted for argument on 16-07-2008. The workmen were present on 14-05-2008 but none was present from the side of management. None was present on 11-07-2008.

It was submitted from the side of the workmen that they were directly engaged by the management. They worked under the control and supervision of the management and payment to them was made by the management. There is employer and employee relationship between the management and the workmen. The services

of the workman have been illegally retrenched. They have not been paid any retrenchment compensation and one month's pay in lieu of notice.

It was submitted from the side of the management that these workmen were appointed by M/s. Unique Home Maintenance Pvt. Limited for courier service. They worked under the control and supervision of the contractor.

It was further submitted that there is no employer and employee relationship between the management and workmen. The workmen are the contractor's men. The contractor engaged them and contractor has removed them the management has not terminated the services of these workmen.

It was further submitted that there is no proper espousal of the case. The workmen have filed this case through Advocate. This case is for regularization, as such it should have been espoused by a union of which these workmen are members.

Sh. Bijender Kumar has filed affidavit. In his cross-examination he has admitted that appointment letter was given to him by M/s. Unique Home Maintenance Pvt. Limited. he has also admitted that PF, ESI etc. was deposited by the said company. He has also admitted that the above said company was the contractor of the management.

The management has annexed appointment letters of the workmen. These appointment letters have been issued to the workmen by the contracting company. This workman has admitted that his salary was deposited in Vysya Co-operative Adarsh bank.

The case of the management is that the management entered into an agreement with M/s. Unique Home Maintenance Pvt. Limited for courier services. The contractor issued appointment letters to these workmen. These workmen worked under the control and supervision of the contractor. Payment to them was made by the contractor.

WWI has admitted in his cross-examination that his salary was deposited in Vysya Co-operative Adarsh Bank. It was not deposited in American Express Bank, so payment to the workmen was made by the contractor. Appointment letters show that the contractor has appointed the workmen on different amount of salary. The workmen have not filed any document to show that any duty was assigned to them by the management. The workmen took letters etc. for delivery of the management and delivered to the place of destination. The management has engaged contractor's men for such work of receiving letters and delivering it to the destination. The services of the workmen were not integrated to the management. They did not work under the premises of the management. They received daks and delivered the daks to the different places. Courier services can be taken on contract basis.

The management has filed contract agreement and other related document. The contract in the instant case is not sham as the workmen have not filed any document to show that the management decided what is to be done and how it is to be done. They simply made delivery of daks. Such work is no doubt is of perennial nature but the requirement of persons for such working may vary from time to time. The workmen have failed to prove that they worked under the control and supervision of the management.

It appears that the contractor was changed and the workmen's services were terminated, so they have filed complaints. The complaints are also not maintainable as there is no direct relationship of employer and employee between the management and the workmen.

In Pollock Law of Torts a servant and an independent contractor has been defined as under :—

The distinction between a servant and a independent contractor has been the subject matter of a large volume of case-law from which the text-book writers on torts have attempted to lay down some general tests. For example, in Pollock's Law of Torts, (Pages 62 & 63 of Pollock on Torts, 15th Edn.) the distinction has thus been brought out:

"A master is one who not only prescribes to the workman the end of his work, but directs or at any moment may direct the means also, or, as it has been put, retains the power of controlling the work, a servant is a person subject to the command of his master as to the manner in which he shall do his work An independent contractor is one who undertakes to produce a given result but so that in the actual execution of the work is not under the order or control of the person for whom he does it, and may use his own discretion in things not specified beforehand....."

In Salmon's Treatise on the Law of Torts the distinction between a servant and independent contractor has been indicated as under:—

"What then, is the test of this distinction between a servant and an independent contractor? The test is the existence of a right of control over the agent in respect of the manner in which his work is to be done. A servant is an agent who works under the supervision and direction of his employer; an

independent contractor is one who is his own master. A servant is a person engaged to obey his employer's orders from time to time; an independent contractor is a person engaged to do certain work, but to exercise his own discretion as to the mode and time of doing it - he is bound by his contract, but not by his employer's orders."

The workmen have not raised their case through proper union. For raising the case of regularization proper espousal is necessary. It is settled law that in case of regularization without proper espousal there will be no industrial dispute. There is no proper espousal in this case, so this dispute does not constitute a valid industrial dispute.

The reference is replied thus:—

The action of the management of M/s. American Express Bank Limited (TRS) in not regularizing Sh. Bijender Kumar, Akhil Kumar Gupta, Gurinder Singh, Rajpal Singh, Rakesh Kumar and Rajesh Kumar Saxena since 01-03-1994, 26-07-1994, 15-03-1994, 25-06-1994, 14-12-1996 and 01-10-1993 respectively is just, fair and legal. The workmen applicants are not entitled to get any relief as prayed for.

The award is given accordingly.

Date : 22-07-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 31 जुलाई, 2008

का. आ. 2309.—राष्ट्रपति श्री वेद प्रकाश गौड़ को दिनांक 24-07-08 (पूर्वाह) से उनके 65 वर्ष की आयु का होने अथवा अगले आदेशों तक, जो भी पहले हो केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, हैदराबाद के पीठासीन अधिकारी के रूप में नियुक्त करते हैं।

[संख्या ए-11016/01/2007-सीएलएस-II]

पी. के. ताम्रकार, अवर सचिव

New Delhi, the 31st July, 2008

S.O. 2309.—The President is pleased to appoint Shri Ved Prakash Gaur as Presiding Officer of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad w.e.f. 24-07-2008 (F.N.) till the date he attains 65 years of age or until further orders, whichever is earlier.

[No. A-11016/01/2007-CLS-II]

P. K. TAMRAKAR, Under Secy.